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ANNUAL REPORT FOR THE YEAR 1982

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

NINETY-SEVENTH CONGRESS

SECOND SESSION

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL,
Washington, D.C., December 30, 1982.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: We are pleased to transmit the enclosed report entitled "Annual Report for the Year 1982 of the Select Committee on Narcotics Abuse and Control, 97th Congress, Second Session."

This report sets forth the activities of the Committee for the calendar year 1982 in accordance with House Resolution 13, section 6(a)(2).

Respectfully submitted.

Sincerely,

LEO C. ZEFERETTI,
Chairman.

Enclosure.

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Union Calendar No. 611

97TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-992

ANNUAL REPORT FOR THE YEAR 1982

DECEMBER 30, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ZEFERETTI, from the Select Committee on Narcotics Abuse and Control, submitted the following

REPORT

I. Committee Jurisdiction, Authority, Funding and Organization

A. INTRODUCTION

In 1976, recognizing the severity and diversity of drug abuse problems and the fragmentation of drug abuse jurisdiction among the standing committees of the House, the House established the Select Committee on Narcotics Abuse and Control.[1] Since then, the Select Committee has been reconstituted by the House in the 95th, 96th and 97th Congresses.[2] From its inception more than six years ago, the committee's primary mandate from the House has remained basically the same: "to conduct a continuing comprehensive study and review of the problems of narcotics, drug, and polydrug abuse and control."

The Select Committee on Narcotics Abuse and Control is unique because it is the only congressional committee with the broad authority and responsibility to examine the problems of drug abuse and drug trafficking prevention and control in their entirety. The issues involved are extremely complex and cut across a wide range of public policy concerns including law enforcement, the administration of criminal justice, health and health care delivery, environmental safety, education, international relations, national security, and government organization.

The Select Committee possesses oversight, but not legislative, jurisdiction. The committee is both a fact-finding and a coordinating body. Through its hearings and other activities, the committee provides an overview of the drug abuse problem, focuses public and congressional attention on critical drug-related issues, and supports action by the standing committees of the House with legislative jurisdiction for narcotics abuse and control. Although not empowered to report legislation, the Select Committee recommends legislative initiatives to the appropriate standing committees and assists their legislative efforts. To facilitate a coordinated approach to drug abuse issues by the House, the Select Committee's membership includes representatives from eight standing committees with jurisdiction over various aspects of drug abuse prevention and control.

B. RECONSTITUTION OF THE SELECT COMMITTEE—HOUSE RESOLUTION 13

The text of House Resolution 13 providing for the continuation of the Select Committee during the 97th Congress is reproduced below. The resolution passed the House by a vote of 276 to 101 on February 25, 1981.

[1] H. Res. 1350, 94th Cong., adopted July 26, 1976.
[2] H. Res. 77, 95th Cong., adopted Jan. 11, 1977; H. Res. 13, 96th Cong., adopted Mar. 21, 1979; H. Res. 13, 97th Cong., adopted Feb. 25, 1981.

HOUSE RESOLUTION 13, 97TH CONGRESS, 1ST SESSION

TO ESTABLISH THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1954; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of nineteen Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 6. (a) (1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies, and its recommendations for a comprehensive program to control the world-wide problem of drug abuse.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

C. FUNDING—HOUSE RESOLUTION 378

Funds for operation of the Select Committee during 1982 were provided in House Resolution 378, the omnibus measure authorizing amounts for expenses of investigations and studies by standing and select committees of the House in the second session of the 97th Congress. Approved March 31, 1982, the resolution included $540,000 for the Select Committee. Appendix A contains a table that briefly summarizes the funding and expenditures of the Select Committee for the period 1976–1982.

D. COMMITTEE RULES

On March 26, 1981, the Select Committee adopted the following rules for the 97th Congress:

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Rule 1. Rules of the House

The Rules of the House of Representatives, insofar as they are applicable, shall be the rules of the Committee. The following rules, insofar as they are consistent with the Rules of the House, shall apply to the Committee.

Rule 2. Meetings

(a) The regular meeting day of the Committee for the conduct of its business shall be on Thursday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) Special meetings may be convened as provided for by clause 2 (c) (2) of Rule XI of the Rules of the House.

(d) At least 24 hours (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at such meeting.

Rule 3. Hearings

(a) Members of the Committee shall be advised and a public announcement (published in the Daily Digest) shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event the Chairman shall make public announcement (published in the Daily Digest) at the earliest possible date.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 48 hours prior to such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the Chairman.

(d) At any hearing the minority party members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the subject matter of such hearing during at least one day of hearing thereon.

(e)(1) The Chairman at an investigative hearing of the Committee shall announce in the opening statement the subject of the investigation.

(2) A copy of the Rules of the Committee and clause 2 of Rule XI of the Rules of the House shall be made available to each witness.

(3) Witnesses at an investigative hearing may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman of the Committee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(f) Any witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by a majority of the members voting, a majority being present.

Rule 4. Committee procedure

(a) Unless otherwise required by these rules, one-third of the members of the Committee shall constitute a quorum for the transaction of

Committee business, except that two members shall constitute a quorum for the purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clauses 2(g)(1), 2(g)(2), or 2(k)(5) of Rule XI of the Rules of the House. No evidence or testimony taken in executive session may be released or used in public session unless authorized by a majority of members voting, a majority being present.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter (except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters). Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time that the proxy is signed. No proxy may be counted for the purpose of constituting a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) In the absence of the Chairman of the Committee at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

(f) A complete record of all Committee action, including a record of all votes on any question on which a rollcall vote is demanded, shall be maintained by the Committee. The result of each such rollcall vote shall be available to the public for inspection at the offices of the Committee during normal working hours.

(g) Any member of the Committee may demand and the Chairman shall order a rollcall vote on any matter considered by the Committee.

Rule 5. Committee reports

(a) Not later than January 2 of each year the Committee shall report to the House on the activities of the Committee during the previous calendar year. Such report shall be approved by a majority of the members voting at a meeting at which a quorum is present.

(b) Every investigative report shall be approved by a majority of the members voting at a meeting at which a quorum is present.

(c) Supplemental, minority, or additional views may be filed in accordance with clause 2(l)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the consideration of such proposed report in the Committee.

(d) If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the Committee before the consideration of the proposed report in the Committee.

Rule 6. Powers and duties of committee

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places within the United States, including any Commonwealth or possession

thereof, or elsewhere, whether the House is in session, has recessed or has adjourned.

(b)(1) The Committee may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it deems necessary.

(2) A subpena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(3) Notwithstanding subparagraph (b)(2) of this rule, a subpena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Chairman of the Committee upon the concurrence of the ranking member of the minority party on the Committee.

(4) Authorized subpenas shall be signed by the Chairman of the Committee or by any member designated by the Committee, and may be served by any person designated by the Chairman or such member.

(c) The Chairman, or any member of the Committee designated from time to time by him, shall report on the meetings, hearings or other activities of the Committee to any other committee of the House which has subject matter jurisdiction therein.

Rule 7. Broadcasting

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by paragraph (b) of this rule.

(b)(1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio, or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than 4 television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of such witness and such members to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than 5 press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of such photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than 5 representatives of the media for coverage of the hearing or meeting by still photography, such coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves at any time during the course of the hearing or meeting between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 8. Amendment of Rules

The Rules of the Committee may be modified, amended, or repealed, by a majority of the members voting, a majority being present. Written notice of any proposed change shall be provided to each member of the Committee not less than 2 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the meeting date on which such change is to be discussed and voted upon.

E. COMMITTEE MEMBERSHIP

On March 9, 1982, Representative George Danielson, who had served as an ex officio member of the Select Committee, resigned from the House of Representatives to accept an appointment as judge on the California State Court of Appeals.

F. COMMITTEE STAFF

The Select Committee's average staff level during 1982 consisted of 12 professional staff members and three staff assistants. The Select Committee's editorial and printing needs were handled by two detailees

from the Government Printing Office. During the summer, four interns at various times joined the staff and assisted in the Select Committee's work.

G. COMMITTEE ORGANIZATION

The Select Committee on Narcotics Abuse and Control organized itself into five task forces to conduct the Select Committee's work in the 97th Congress. In keeping with the nonpartisan nature of the Select Committee, both Democrats and Republicans shared chairmanship of the task forces. The Select Committee's five task forces and their members are listed below:

(1) Task Force on Prevention and Education. Co-chairmen: Billy L. Evans and Robert K. Dornan. Members: Daniel K. Akaka, Robert T. Matsui, Mario Biaggi, Walter E. Fauntroy, Robin L. Beard and Charles F. Dougherty.

(2) Task Force on Treatment and Rehabilitation. Co-chairmen: Fortney H. (Pete) Stark and Lawrence J. DeNardis. Members: James H. Scheuer and Walter E. Fauntroy.

(3) Task Force on Law Enforcement. Co-chairmen: Charles B. Rangel and E. Clay Shaw. Members: Peter W. Rodino, Jr., Fortney H. (Pete) Stark, Glenn English, Billy L. Evans, Robert T. Matsui, Mario Biaggi, Dante B. Fascell, Lawrence Coughlin, Michael G. Oxley, Robert L. (Bob) Livingston and Henry J. Hyde.

(4) Task Force on International Narcotics Prevention and Control. Co-chairmen: James H. Scheuer and Benjamin A. Gilman. Members: Frank J. Guarini, Dante B. Fascell, Lawrence Coughlin, Lawrence J. DeNardis, E. Clay Shaw, Jr., Robert L. (Bob) Livingston and Henry J. Hyde.

(5) Task Force on Drugs in the Military. Co-chairmen: Glenn English and Robin L. Beard. Members: Cardiss Collins, Earl Hutto, Benjamin A. Gilman, Robert K. Dornan and Henry J. Hyde.

H. COMMITTEE MEETINGS

The Select Committee met four times in 1982 to transact committee business.

On February 9 and 24, the committee met to discuss and approve its recommendations for a comprehensive program to control the worldwide problem of drug abuse. These recommendations were included as Part II of the committee's annual report for 1981, pursuant to the mandate of the House in House Resolution 13.

On June 23, 1982, the committee met to discuss committee activities in connection with then recent revelations of drug abuse in professional sports and to consider other aspects of the committee's agenda for the remainder of 1982.

The committee met on July 13, 1982, to consider a written request to the Chairman from Representative Dornan that the committee investigate allegations concerning drug use on Capitol Hill. The committee agreed that the allegations of misconduct fell within the jurisdiction of the Committee on Standards of Official Conduct. The matter was referred to the ethics committee with the offer to provide that committee with whatever support was necessary and appropriate.

II. Activities

A. COMMITTEE HEARINGS

1. Federal Drug Law Enforcement Coordination, March 23, 1982, Washington, D.C.

Witness: Rudolph W. Giuliani, Associate Attorney General, U.S. Department of Justice.

This hearing was called to assess the efforts of the Administration to develop and implement an integrated strategy for Federal narcotics law enforcement. In addition, the committee wished to explore the effectiveness of recent Administration initiatives such as the Vice President's Task Force on Crime in South Florida and the DEA/FBI reorganization and how they related to the development of an integrated drug law enforcement strategy. The session was a continuation of the committee's hearing on Federal Drug Strategy held during the first session of the 97th Congress on November 19, 1981. Mr. Giuliani testified as the Attorney General's representative.

Mr. Giuliani outlined for the committee the structure established by the Administration for the implementation of drug policy. The Cabinet Council on Legal Policy chaired by the Attorney General is intended as the lead agency to bring to the President those issues that involve the Justice Department, drug enforcement among them. A Sub-Council on Drug Supply Reduction, also headed by the Attorney General, will deal directly with narcotics issues. A Working Group on Drug Supply Reduction, chaired by Mr. Giuliani, will function to implement the actions approved by the Council and Sub-Council. The Working Group in turn has created five task forces to address key issues involved in drug supply reduction. These task forces are (I) Interagency Investigations, (II) Interdiction, (III) Federal, State, Local Cooperation, (IV) Diplomatic Initiatives and (V) Legislative Initiatives.

In its written response to the committee following the hearing, the Justice Department stated that the Cabinet Council on Legal Policy and its Sub-Council on Drug Supply Reduction had replaced the President's previously announced Cabinet level Task Force on Drug Enforcement.

In addition, Mr. Giuliani also pointed to the DEA/FBI reorganization and the formation of Law Enforcement Coordinating Committees in all Federal judicial districts as further evidence of the Administration's commitment to a more streamlined and effective drug enforcement strategy. The involvement of the FBI in drug enforcement, according to Mr. Giuliani, will greatly increase the amount of Federal manpower available to drug enforcement and will permit the Bureau's expertise in the area of financial investigations and wiretaps to be brought fully to bear against narcotics traffickers. The Law Enforcement Coordinating Committees will permit each U.S. Attorney to

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coordinate enforcement policies in his district with state and local police and prosecutors so that the resources in that district can be used most effectively to reduce drug trafficking and drug-related crime.

Committee members expressed the concern that unless adequate resources and funding are provided for these agencies, they will not be able to carry out their missions notwithstanding the organizational changes the Administration puts into place. Chairman Zeferetti expressed his belief that up to this point drug law enforcement agencies have not received a high national budget priority from the Administration. Committee Members also expressed concern that the coordinating structure outlined by Mr. Giuliani did not clearly set forth who in fact would be in charge of the overall drug enforcement effort.

2. DEA/FBI Reorganization, March 30, 1982, Washington, D.C.

Witnesses:

William H. Webster, Director, Federal Bureau of Investigation.

Francis M. Mullen, Jr., Acting Administrator, Drug Enforcement Administration.

This hearing focused upon the Administration's recent initiative to involve the Federal Bureau of Investigation in drug law enforcement and the planning undertaken to coordinate the enforcement efforts of the Drug Enforcement Administration with the new role given to the FBI.

In January, 1982, the Attorney General assigned jurisdiction to the FBI to investigate drug offenses concurrently with DEA. The announced purpose was to bring the full resources of the FBI to bear on the serious problem of drug trafficking. Under the Attorney General's plan, the FBI Director is assigned responsibility for general supervision of drug enforcement efforts, and DEA is directed to report to the Attorney General through the FBI Director. Other measures adopted or proposed include plans to make agent qualifications for both agencies conform, including conversion of DEA agents from the competitive to the excepted service, and cross training and agent rotation programs for FBI and DEA personnel. Steps were also being taken to restructure the DEA so that its organization will more closely follow that of the FBI. A key change undertaken was to abolish DEA regions and to centralize direction of DEA operations in headquarters.

In their joint testimony Judge Webster and Administrator Mullen outlined the following benefits of joint cooperation between DEA and FBI:

(a) Additional personnel will be available for drug enforcement.

(b) More sophisticated investigative tools such as wiretaps and other forms of electronic surveillance will be available for drug enforcement.

(c) The reorganization will enhance DEA's asset forfeiture capabilities and increase financial investigations against drug traffickers by the availability of 1,200 FBI Special Agents trained in accounting.

(d) The FBI's network of informants and criminal intelligence, particularly concerning organized crime, can often provide information about drug trafficking activity.

It was strongly emphasized that the FBI contribution is intended to supplement—not supplant—DEA's work. Placing DEA under the general supervision of the FBI Director is not intended to limit the responsibility of the DEA Administrator as the nation's chief drug law enforcement officer. The Director, however, is uniquely situated to oversee the joint workings of both agencies. DEA will continue to function as the nation's chief drug law enforcement agency responsible for (1) the enforcement of the Controlled Substances Act, (2) legitimate drug diversion control efforts, (3) drug intelligence analysis and (4) collection, publication and dissemination of appropriate strategic assessments. The FBI, however, will focus its efforts on (1) drug investigations involving traditional organized crime and violence-prone non-traditional organized crime groups such as outlaw motorcycle gangs, (2) financial investigations and (3) white-collar and official corruption investigations, insofar as they are related to drug trafficking.

The Select Committee was informed that on March 13, 1982, DEA and the FBI jointly issued the Implementation Directive for Concurrent Drug Investigative Jurisdiction between the Drug Enforcement Administration and the Federal Bureau of Investigation. This document establishes areas of responsibility and accountability for both agencies and guidelines for the conduct of joint and unitary investigations.

One area of concern, voiced by committee members during the hearing, is the role to be played by the FBI in overseas drug investigations. Chairman Zeferetti recalled that the head of Investigative Services in Peru during the Select Committee's study mission there in August 1981, expressed fear that the Bureau was perceived to be an arm of the Central Intelligence Agency, and that would hinder future cooperation on drug investigations abroad. Judge Webster noted that, "The FBI, of course, is separate and independent from the Central Intelligence Agency," and that, "The FBI has no positive intelligence gathering responsibility abroad . . ." He said that DEA will remain in full command of overseas drug enforcement operations.

Chairman Zeferetti also queried Judge Webster as to whether the FBI could handle its added narcotics responsibilities as well as its existing responsibilities within the confines of its present budget appropriation. Judge Webster conceded:

> We no doubt will have to reassess some of the work that we are doing in other programs at a lower priority level. I don't mean canceling out whole programs, but looking at some of the kinds of work where we have been able to participate in investigations that we may have to draw down on. That's been really the story of our life for the last several years in trying to get along on static or shrinking resources. It will have an impact here. But I think there is no area that I can think of in our program responsibilities that is more important to succeed than this one. And if we are at a point where we must have more money, we'll come back, with the approval of the Department and OMB. It's a big assignment, we're ready to do it, we want to do it, we are doing the best we can with what we have. I can't represent to you that we won't have to backburner some activities, but this is more important than the activities we will backburner.

In this vein, Acting Administrator Mullen stated that although DEA will continue to control its own budget, it will be reviewed and coordinated with the FBI budget to prevent any duplication of programs or expenditures.

Following the hearing, a detailed set of questions concerning the reorganization was submitted to Judge Webster and Mr. Mullen. Issues raised in these questions related to (1) the impact of the DEA/FBI reorganization on cooperation with State and local government, (2) informants and exchange of information, (3) joint investigations, (4) personnel and labor relations and (5) investigative procedures. The responses to these inquiries and the hearing record have been published by the Select Committee (SCNAC–97–2–2).

3. Narcotics Law Enforcement, April 30, 1982, New York City

Witnesses:

Robert M. Morgenthau, District Attorney, New York County, New York.

Sterling Johnson, Special Narcotics Prosecutor, City of New York.

Daniel J. Courtenay, Chief, Organized Crime Control, New York City Police Department.

Edward R. Korman, United States Attorney, Eastern District of New York.

John S. Martin, Jr., United States Attorney, Southern District of New York.

Bruce E. Jensen, Special Agent in Charge, Drug Enforcement Administration, New York City.

Richard Bretzing, Special Agent in Charge, Federal Bureau of Investigation, New York City.

Captain Gary F. Crosby, Chief, Maritime Law Enforcement, Atlantic Area, United States Coast Guard.

Anthony M. Liberta, Area Director, John F. Kennedy International Airport, United States Customs Service.

Francis R. McGovern, Commanding Officer, Narcotics Squad, Nassau County, New York.

George D. White, Chief, Organized Crime Unit, Nassau County, New York.

Lieutenant Richard J. Siee, Chief Narcotics Officer, Suffolk County, New York.

This hearing was held to assess the impact on local narcotics law enforcement resulting from Federal budgetary policies, the drawing of personnel and resources from all areas of the country to participate in the Vice President's Task Force on Violent Crime in South Florida, and Federal narcotics enforcement policies. New York was chosen as the site of this hearing because it is the major entry point for heroin entering the United States and it traditionally has been a model for local/State/Federal cooperation in narcotics law enforcement.

Chairman Zeferetti, in his opening statement, made the following observations:

The 1983 law enforcement budget called for the reduction of approximately 900 to 1,200 Customs inspectors and 100 Customs patrol officers. Of this number, New York was expected to lose 156 inspectors and 27 patrol officers.

The Coast Guard would require a substantial supplemental appropriation to maintain its current operations.

In the New York Area, three of the six Coast Guard cutters assigned to the Third Coast Guard District were being temporarily reassigned to South Florida;

of the remaining three, two were scheduled for regular maintenance at the time of the hearing.

30 Customs investigatory personnel had been transferred from New York to participate in the South Florida Task Force.

Despite budgetary constraints and the diversion of personnel to South Florida, the Federal enforcement agency heads maintained that they could still adequately perform their missions in the New York area. However, a contradictory view was voiced by New York County District Attorney Robert Morgenthau. Morgenthau recalled his testimony before the Select Committee in 1980 when he then warned of a crisis looming due to the increase in heroin traffic coming into this country through New York. Morgenthau again stressed the critical need for resources and stated:

We said additional resources should be applied, and now we are seeing the results and, unfortunately, there have been no significant increases in the resources made available by the Federal Government or the State or local government really to get this explosion.

All the statistics show it, whether you want to take overdose deaths, serum hepatitis, applications for admission to treatment programs, all the figures, and they are all in our statistics, there is rapid escalation in the use of heroin, the use of cocaine.

I think the people in the Department of Justice understand problems and cooperation is fine but this is not a problem that can be fought with mirrors.

I mean, you can improve all the cooperation in the world, you can have the best cooperation, but we simply are not applying the resources that are necessary to make a dent on this problem.

This view was also echoed by representatives of the Nassau and Suffolk County Police Departments.

The committee also examined how the FBI/DEA reorganization was working in the New York area. Concern was expressed by Chairman Zeferetti and Mr. Gilman that there was not yet planned an adequate sharing of intelligence between FBI and DEA and the other components of the New York Joint Narcotics Task Force. Specifically, the committee voiced concern that the FBI did not plan to tie into the Drug Enforcement Coordinating (DEC) System which is a computerized listing of narcotics suspects designed to eliminate a duplication of investigative efforts by Federal and local police agencies, which contribute to and draw upon the listing.

Federal Prosecutors Korman and Martin explained to the committee that the Federal prosecutive effort in New York is directed against major drug distribution networks using when possible the RICO and CCE statutes and Title III electronic surveillance. Comparing the smaller number of personnel of his office to the number of prosecutors in the New York State District Attorney's offices, Mr. Korman stated, ". . . what we have both been engaged in is a kind of intelligent marshaling of our resources in a way that can yield the best results and in a way that would not squander them."

4. Look-Alike Drugs, August 12, 1982, Washington, D.C.

Witnesses:

Tyrone Fahner, Attorney General, State of Illinois.

Dr. William Pollin, Director, National Institute on Drug Abuse.

Dr. Sorell Schwartz, Department of Pharmacology, Georgetown University.

Charles Lents, Counsel, Regulatory Affairs, Warner-Lambert Co.

Joseph P. Hile, Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Gene R. Haislip, Director, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration.

David W. Madden, Postal Inspector in Charge, Cincinnati, Ohio, Division, U.S. Postal Inspection Service, U.S. Postal Service.

Amanda Pedersen, Deputy Director, Bureau of Consumer Protection, Federal Trade Commission.

This hearing was a follow-up to the committee's hearing on look-alike drugs in New Jersey, October 26, 1981, which was held to heighten the public's awareness of the issue. Further examined were the medical problems which arise from look-alike drug usage, problems encountered by Federal and State law enforcement agencies, and community response to the problem.

The use of look-alikes has continued to increase rapidly, and is now widely recognized as a serious and epidemic problem. Since the New Jersey hearing, most states have enacted legislation designed to prohibit look-alikes, a private pharmaceutical firm working with the Select Committee has developed an approach to curtail capsule sales to look-alike manufacturers and dealers, and Federal agencies have continued to review their jurisdiction over the look-alike problem and have taken a number of actions.

Illinois Attorney General Tyrone Fahner has been in the forefront of state efforts to control the look-alike trade. He stated that look-alike abuse is the fastest-developing drug problem in the country, and in Illinois at least seven deaths during an 18-month period are attributable to their use. Mr. Fahner's staff began filing suit against look-alike distributors, under the Illinois Consumer Fraud and Deceptive Business Practices Act, the Illinois Deceptive Trade Practices Act and the common law of nuisance. Some companies went out of business only to pop up again under new names in new locations. Illinois has passed a law specifically making illegal the manufacture, sale, distribution and advertising of look-alikes, punishable as a felony by up to five years in prison and a $20,000 fine. Mere possession of look-alikes also is punishable. Further, law enforcement is authorized to seize and confiscate look-alike materials and manufacturing equipment. Attorney General Fahner pointed out that putting look-alike distributors in Illinois out of business does not help much, as they operate on a national scale. Thus, Federal legislation is the only solution, he said.

David Madden, Postal Inspector in Charge of the Cincinnati Division, U.S. Postal Inspection Service, U.S. Postal Service, spoke on continuing efforts of the Postal Service to issue stop-mail orders, which totalled 42 by the hearing date. Most were against distributors. Unfortunately, this authority is limited in that it extends only to stopping mail to and from a particular named company at a specified address. The grounds must be false representations. All a look-alike company needs to do to circumvent the prohibiting order is to change its name or address, or alter its advertising to leave out any potentially false claims. To avoid further stop orders the dealers can avoid use of the mail altogether. They can receive payment by wire and ship by private delivery services, for example.

Joseph P. Hile, Associate Commissioner for Regulatory Affairs, spoke for the FDA. He told the committee that FDA had determined that the usual combination of over-the-counter (OTC) drugs found in look-alikes—ephedrine, phenylpropanolamine and caffeine—constitutes an unapproved new drug. FDA has advised 14 manufacturers of these triple combination products that the products must be withdrawn from the market and not sold until proven safe and effective for their intended uses. The agency is preparing to take similar steps with distributors. He also outlined the agency's previous enforcement efforts in which U.S. Marshals, accompanied by FDA representatives, seized counterfeit capsules and tablets and major pieces of equipment of nine look-alike manufacturers.

Gene R. Haislip, Director of the Office of Compliance and Regulatory Affairs of the Drug Enforcement Administration, affirmed that the agency does not believe that Federal legislation is necessary at this time and that DEA's current resources are not sufficient to enforce a Federal law on look-alikes should such authority be enacted. The Drug Enforcement Administration provided a model look-alike statute to states shortly after last October's hearing on look-alikes. This effort has helped spur a large number of the states to enact look-alike statutes.

Because of the broad authority the Federal Trade Commission has to prohibit unfair and deceptive trade practices, the Commission should be able to play a key role in the control of look-alike drugs. For nearly a year, however, the Commission had not acted on a staff recommendation that the Commission authorize a full-scale investigation to assess the application of the FTC's unfairness authority to the look-alike industry. At the time of the committee's hearing, the FTC staff recommendation was still under review by middle management within the Commission. Amanda Pedersen, Deputy Director of the Bureau of Consumer Protection, whose testimony was presented as her own views as a member of the FTC staff and not as official Commission policy, said that the Commission's unfairness authority and its authority to prohibit deceptive advertising may not apply to the look-alike drug situation. Furthermore, she indicated that even if a case could be made, the remedies available to the Commission might not be effective. For example, if the FTC were successful in bringing a deceptive advertising case against those involved in the look-alike trade, the impact might be limited because sellers could change their advertisements to comply with the law. If the Commission were to prohibit all advertising of look-alikes, sellers could simply alter their method of marketing. Although a product ban would be an effective remedy, she said the Commission's authority to impose such relief was unclear. Recently, the committee was advised that a full-phase investigation of the look-alike industry had been authorized to study the issues of whether the FTC has jurisdiction in this area, and if so, whether FTC can impose an effective remedy.

Dr. William Pollin, Director of the National Institute on Drug Abuse (NIDA), said that use of stimulant drugs is on the rise. In future surveys, NIDA will improve its data base on look-alike use and increase public awareness of its dangers.

All of the Federal agencies that testified before the committee are participating in an inter-agency task force to share information about look-alikes and to consider how the Federal Government can best respond to the look-alike problem. Responses to written questions submitted to the agencies after the hearing indicate that the task force has not yet prepared any written reports or recommendations, but it has decided to explore new legislative approaches to the OTC look-alike problem.

Dr. Sorell Schwartz, of the Department of Pharmacology at Georgetown University, provided the committee with additional information on the dramatic toxic effects of look-alike drugs. Clearly, they are a serious health hazard.

Charles Lents, Regulatory Counsel for Warner-Lambert Company, described steps the company is taking to prevent sales of its capsules to look-alike manufacturers. Among other measures, the Capsugel Division of Warner-Lambert Company, one of the three capsule manufacturing companies in the United States, has developed a "continuing guarantee" statement which they will require all capsule purchasers to sign. In this, the purchaser agrees not to use the capsules in any way violative of the law, including misrepresenting the contents as controlled substances. The company also recommended enactment of appropriate Federal legislation specifically prohibiting the manufacture and distribution of look-alike drugs and urged development of a public awareness program in which industry and the educational community would participate with the Federal Government.

At the company's request, the committee circulated Warner-Lambert's draft guarantee to a number of Federal agencies for their comments. The FTC expressed several concerns regarding the proposal. First, non-look-alikes—mood altering drugs being sold in new (and unapproved) combinations—should be included in the agreement, and care must be taken to avoid denying generic manufacturers certain capsule color combinations which often serve to identify the chemical composition of the drug contained within a capsule. Without the benefit of the same color capsules as their competitors, generic manufacturers might be less able to compete. The Commission also suggested that the language of the guarantee be expanded to cover the knowing resale by the original purchaser for any of the purposes prohibited by the guarantee.

The FDA noted that it is not likely that a violation of this agreement by a capsule purchaser would warrant Federal prosecution under the Food, Drug and Cosmetic Act. DEA concurred with this regarding the Controlled Substances Act. The U.S. Postal Service also stated that violation of the agreement would not support a criminal prosecution under the Mail Fraud Statute. All of the agencies, however, applauded Warner-Lambert's proposal as a potentially valuable deterrent to look-alike manufacturers and welcomed the company's voluntary use of the continuing guarantee with its capsule customers.

Committee staff also provided comments to Warner-Lambert on its continuing guarantee proposal, commending the company for its action and suggesting certain changes in the draft guarantee. The Capsugel Division of Warner-Lambert has responded to and incorporated most of the committee staff and agency suggestions in its continuing guarantee.

B. ONGOING OVERSIGHT ACTIVITIES

1. Federal strategy and Executive coordination

Part II of the Select Committee's annual report for 1981 contained a series of recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking. A number of these recommendations called upon President Reagan to carry out certain key drug-related responsibilities assigned to the President under the Drug Abuse Prevention, Treatment and Rehabilitation Act (P.L. 92–255, as amended, 21 U.S.C. 1101 et seq) including: the establishment of a system to develop recommendations for, and coordinate the performance of, Federal drug abuse functions (sec. 201, 21 U.S.C. 1111); the designation of a drug policy coordinator within the Executive branch (sec. 202, 21 U.S.C. 1112); the appointment of a Federal drug strategy council (sec. 302, 21 U.S.C. 1162); and the development of a comprehensive, coordinated, long-term Federal drug strategy (sections 301 and 305, 21 U.S.C. 1161 and 1165).

During 1982, the committee continued to monitor the Administration's progress in meeting these statutory responsibilities and pressed for swift action in these areas. In March, the committee held a hearing that focused on the steps taken by the Administration to formulate and execute a coordinated narcotics law enforcement policy. This hearing is discussed in greater detail above.

On May 25, 1982, the Chairman wrote to the President again urging him to designate his drug policy coordinator as a necessary prerequisite to the development and implementation of an effective, comprehensive Federal drug strategy. The Chairman's letter recommended that the President designate his drug coordinator by an Executive order that would establish clearly, both for Congress and Federal departments and agencies, the mandate and authority of his designee. One month later, on June 24, 1982, the President issued Executive order 12368 designating the Director of the Drug Abuse Policy Office within the Office of Policy Development to be "primarily responsible for assisting the President in formulating policy for, and in coordinating and overseeing, international as well as domestic drug abuse functions by all Executive agencies."

During the committee's business meeting of June 23, the committee discussed the Federal drug strategy paper which at that time was reportedly circulating in draft form among Executive agencies for comment. To assure congressional participation in formulating a Federal drug strategy, the committee directed the Chairman to request Dr. Carlton Turner, Director of the Drug Abuse Policy Office, to provide the committee with a copy of the draft for review. The Chairman wrote to Dr. Turner on two occasions, expressing the committee's desire to cooperate with the Administration in the preparation of the strategy. Although the committee was not afforded an opportunity to comment on the strategy paper before it was issued in October, members of the committee continued to urge that the strategy allocate increased resources to combat drug abuse and drug trafficking. During his meeting with Vice President Bush on July 13, 1982, Chairman Zeferetti stressed the need for additional funds to mount a comprehensive attack on these problems both at home and at the international level.

When the Chairman met with the Vice President in July, he also presented a series of recommendations based on the comprehensive drug program proposed in the committee's annual report for 1981. One of these recommendations again called for the President to appoint his drug strategy council as required by law or to propose legislation to revise the strategy council requirement if he determined that revisions were needed. The Administration has yet to establish the strategy council or to request changes in the law.

2. Drugs in the military

a. Introduction

Drug abuse among members of the U.S. military has been a matter of great concern to the Select Committee for a number of years. The Select Committee's Task Force on Drug Abuse in the Military, headed by Representative Glenn English, has conducted an extensive series of investigations and surveys on all aspects of the problem. These inquiries have concentrated on the actual incidence and prevalence of drug abuse within the military, the effect of drug abuse on operational readiness and the manner in which the Department of Defense and the component Armed Services have tried to meet the problem.

During the past year, the committee has undertaken several initiatives in its continuing oversight of this serious problem. A discussion of these activities follows.

b. Study mission to Italy and Israel—April 1982

This mission included two major objectives related to drug abuse in the military. One was to meet with the Commander of the U.S. peacekeeping forces in the Sinai to discus the extent of drug abuse among the forces and the measures being taken to control the problem. This concern was prompted by the results of urinalysis testing of the troops just prior to departure which found 130, or about 20%, were positive as to the use of illegal drugs, mainly marihuana. Of this group, about 100 troops were sent to the Sinai. The other mission objective was to meet with the Naval Mediterranean command to determine how the strong, concerted attack on the drug abuse problem within the Navy, as personally directed by the Chief of Naval Operations, was being implemented. The mission also included a visit to the U.S. Naval Base at Siganella, Sicily, which is being expanded in a major construction project and will be the major facility for the U.S. forces in the Mediterranean.

U.S. Ambassador to Israel, Samuel W. Lewis, met with Chairman Zeferetti the day before the Sinai trip was scheduled and confirmed Mr. Zeferetti's concern that the U.S. troops were in an area historically known for the smuggling of illegal drugs and other contraband. The area was described as desolate and inhabited by nomadic tribes. Ambassador Lewis urged that Chairman Zeferetti impress upon the U.S. Commander and his staff the critical importance of avoiding any incidents involving illegal drugs. Unfortunately, the committee delegation ran into a roadblock enroute to the Sinai and had to turn back. The strong congressional concern was, however, conveyed to the U.S. Commander and later to the Pentagon.

Rear Admiral Wayne D. Bodensteiner at U.S. Mediterranean Headquarters and his senior staff briefed the Chairman as to the increased

emphasis on control of the drug abuse problem in all areas, including enforcement, detection, counselling, social services and treatment. He stressed that what was most important was the clear directive from the Chief of Naval Operations personally to all hands that drug abuse will not be tolerated. Also important, he said, is that the factors giving rise to the problem are now being dealt with directly. The Commanding Officer of the Naval Base at Siganella, Sicily, Captain William H. Compton, briefed the Chairman on the proposed major expansion of the base and urged that the facilities to improve quality of life, such as recreational facilities, not be cut from the funds being sought for construction.

c. Testimony in support of appropriations for Defense drug abuse programs—August 10, 1982

Chairman Zeferetti appeared before the House Appropriations Defense Subcommittee and urged support of the requested 1983 funding levels for the drug abuse prevention and control programs of the Department of Defense and the military services. He testified that the national attention brought to bear upon the military's drug abuse problem through the hearings and investigations of the Defense Subcommittee and the Select Committee had already yielded one important result—a renewed commitment by the Armed Forces to recognize and confront the problem. This commitment, he said, was evidenced by the military's dedication of substantially more resources to substance abuse programs. For 1983, the services requested $143 million for drug programs, a 70 percent increase over the 1980 appropriation of $84 million. The Chairman endorsed the new priorities given to solving the problem of drug abuse within the military and urged the subcommittee to approve the resources needed to correct the situation. Funds were approved at the levels requested by the services.

d. Commending the Navy leadership

After receiving the results of surprise drug tests conducted August 30, 1982, on Navy enlisted personnel in San Diego and Norfolk, Chairman Zeferetti communicated his pleased reaction to Admiral James D. Watkins, Chief of Naval Operations. The urinalysis findings, though based on a limited sampling, provided an early indication of progress in the Navy's newly toughened campaign against drug abuse. Marihuana use was still detected in 20 to 25 percent of the personnel tested, but this was a reduction by nearly two-thirds in San Diego and by half in Norfolk from the results of surprise tests at these Naval bases in early 1981.

Mr. Zeferetti's letter to the CNO printed in the Congressional Record September 22, said in part: "I want to congratulate you, Rear Admiral Paul Mulloy (Director of the Human Resource Management Division in the Office of the CNO) and your predecessor as CNO, Admiral Tom Hayward, on these preliminary signs of success in the Navy's attack on drug abuse in the ranks."

Noting that the reported level of marihuana use "is still much too high," the Chairman concluded: "Continued scrutiny, and firm enforcement, are imperative. You and Navy Secretary John Lehman are wise to press on toward the Navy's goal of 'zero tolerance' of drug abuse. I will keep working to help provide whatever congressional support is required."

3. Resources for drug law enforcement—South Florida Task Force on Crime

a. Introduction

One of the major themes running throughout the Select Committee's activities during the 97th Congress has been the need for our Nation to commit additional resources to prevent and control drug abuse and drug trafficking. As part of the committee's continuing efforts to secure adequate resources for a comprehensive attack on drug smuggling and other drug-related crime, the committee has monitored closely the progress of the South Florida Task Force on Crime. The President announced creation of this new Federal task force last January to stem the rampant crime and violence besetting that region due largely to the massive illicit drug trade flourishing in South Florida. At that time, the task force was intended to be temporary, and the resources to staff and operate it were reassigned from other missions and other areas of the country. While recognizing the seriousness of the situation in South Florida and the need for a strong Federal response, the committee was concerned that merely shifting Federal assets from around the country to beef up that region would make other areas of the country more vulnerable, and thus more attractive, to drug smugglers. The committee was also interested in reviewing military support for the task force effort, the cost of such support and how this assistance would be paid for. The committee's oversight of the South Florida task force and inquiry into the ramifications of that regional effort for a national drug law enforcement strategy consisted of several initiatives outlined below.

b. On-site inspection in South Florida—March 31–April 2, 1982

The Chairman visited the Miami area shortly after the South Florida Task Force on Crime began operations to review the build-up of Federal resources. A major purpose of the inspection was to receive briefings from Federal law enforcement agencies and the Navy on joint efforts to identify and interdict drug smuggling by air. Of particular interest was the Administration's plans to use Navy E–2C surveillance aircraft to assist in detecting and tracking drug smugglers. The Chairman had previously visited Miami last year and was briefed on the use of the E–2C in Operation Thunderbolt. Operation Thunderbolt was an unannounced joint Customs Service/Navy project conducted in late 1981 to test the effectiveness of the E–2C against drug trafficking. The E–2C had proven to be highly effective until details of the operation had leaked to the press.

The Chairman found that the extensive advance publicity of the South Florida Task Force operation in the Miami press, including details as to when and where the E–2C would be deployed, was alerting drug smugglers to either lie low or shift their routes around the massive concentration of Federal resources. In speaking with the personnel in charge of the E–2C program, the Chairman was informed that no E–2C sightings of smuggling activity had occurred since the press coverage had begun. In contrast, Operation Thunderbolt had resulted in the seizure of 45 drug smuggling aircraft. The Chairman also learned that the question of funding for the E–2C support remain unresolved.

Upon returning from South Florida, the Chairman wrote to Vice President Bush who had been designated by the President to head the task force. He expressed concern that the advance publicity given to the task force, and in particular to the E–2C program, was frustrating the success of the operation. He urged the Administration to increase the resources of Federal drug law enforcement agencies so that the build-up of resources in South Florida would not be done at the expense of other areas threatened by drug trafficking and related crime. Finally, he called upon the Administration to work together with the Congress to develop a national drug law enforcement strategy and offered to meet with the Vice President to discuss plans for creating such a strategy.

c. New York City narcotics law enforcement hearing—April 30, 1982

As previously stated, one of the Select Committee's major concerns about the South Florida Task Force was the impact that concentrated effort would have on other areas of the country. Two objectives of this hearing in New York were to ascertain the diversion of law enforcement resources from the northeast to participate in the Vice President's Task Force in South Florida and to determine whether traffickers were diverting around the concentration of resources in South Florida. Referring to the task force in his opening statement, the Chairman noted:

> The Administration unfortunately is addressing the problem of drug trafficking and drug abuse with a crisis management approach by shifting rather than increasing resources. This quick reaction may show results in a particular area. The trafficking, however, will never be stopped until it is attacked on all fronts wiht sufficient personnel and assets to do the job.

The New York study determined that the following personnel and resources had been temporarily transferred from the New York region to South Florida: 30 Customs investigatory personnel; three Coast Guard cutters and crews; and, four Drug Enforcement Administration agents.

With respect to increased trafficking along the northeast coast, the Coast Guard witness at the hearing, Capt. Gary Crosby, Chief of Maritime Law Enforcement, Atlantic Area, confirmed the committee's staff finding that in the last few months, the number of false search and rescue calls had increased in the Third Coast Guard District. Bogus distress calls at sea are often used in the South Florida-Caribbean area as a ruse to draw Coast Guard resources away from drug enforcement missions. The Customs Service, on the other hand, maintained that notwithstanding the withdrawal of personnel to South Florida, their operations in the New York area. particularly at John F. Kennedy International Airport, would not be affected. Local law enforcement officials warned, however, that any lessening of the Federal law enforcement presence in the New York area would make the northeast coastline increasingly vulnerable to drug trafficking.

The Select Committee staff closely monitored evidence of increased narcotics trafficking in the Northeast following the April 30 hearing. The following major seizures were reported:

1. On June 9, 1982, 14 pounds of cocaine with a street value of $4.5 million were seized by the Customs Service on a Colombian cargo ship tied up in Brooklyn.

2. On June 24, 1982, 610 pounds of cocaine en route from Colombia with a street value of $200 million were seized by a task force of Federal agents at a Brookhaven (Long Island) airport.

3. On June 28, 1982, 15 tons of marihuana were taken by the Coast Guard 200 miles off Montauk, New York (Long Island), from a fishing vessel manned by Colombians.

4. On July 17, 1982, 35 tons of marihuana were confiscated by the Drug Enforcement Administration while being unloaded from a freighter onto a pier in Raritan Bay, New Jersey.

5. On September 7, 1982, 48 pounds of cocaine with a street value of $15 million were seized from a Honduran cargo boat carrying bananas from Colombia by the Customs Service in the Port of Albany, New York.

d. Chairman appears on MacNeil-Lehrer Report covering South Florida operation

In the first of two 1982 appearances on the Public Broadcasting System's MacNeil-Lehrer Report as congressional spokesman on Administration drug programs, Chairman Zeferetti on June 8 shared the television program with Vice President Bush. The subject was the work of the South Florida Task Force, then less than three months old.

Vice President Bush reported on the Task Force's aim of stopping the massive flow of illegal drugs through Florida, and on early signs of success in the anti-smuggling work.

Chairman Zeferetti hailed the South Florida effort as a step in the right direction toward better drug enforcement, but voiced concern that the concentration of Federal resources in that region would just divert smugglers to other points of entry unless defenses in these other regions were also improved. He called for an all-around, national drug strategy and promised congressional support for the needed funding.

e. Meeting with Vice President Bush—July 13, 1982

The Chairman met with Vice President George Bush and his Chief of Staff, Admiral Daniel J. Murphy, to seek the Administration's cooperation in formulating a comprehensive, national drug strategy. He presented a number of proposals for elevating the priority accorded to drug abuse problems, drawing from the committee's previous recommendations for a comprehensive narcotics control program. During the meeting, he reiterated his support for the increased law enforcement effort in South Florida but again expressed his concern that the mere shifting of existing resources to South Florida was creating vulnerabilities in other areas. He urged the Administration to increase resources for drug law enforcement rather than cut agencies such as Customs and Coast Guard as the President's 1983 budget proposed. He also confirmed that he would seek additional Defense funds to reimburse the Navy for its E–2C support to the South Florida Task Force, since the costs of this assistance could not be borne by civilian law enforcement agency budgets. The Chairman conveyed this same message to Frank Carlucci, Deputy Secretary of Defense, and to Mr. John Leh-

man, Secretary of the Navy. As discussed below, the Chairman later submitted his request in testimony before the Defense Appropriations Subcommittee. The request was approved by the subcommittee.

f. Results of the South Florida Task Force

After months of informally monitoring the task force, and prompted by the strong concerns expressed by law enforcement officials in other southern and mid-Atlantic States that the South Florida operation was causing increased drug trafficking into their areas, the Select Committee planned a hearing for early October to review in detail the progress of the task force and the Administration's plans to escalate the increased law enforcement effort to other parts of the country also seriously affected by heavy influxes of drugs. In conjunction with the planned hearing, the Chairman returned to South Florida in late September for up-to-date briefings as to the results of the operation. The acquisition and maintenance of resources still remained a matter of concern.

The hearing had to be postponed when scheduling problems arose due to the earlier than expected recess of the Congress. The committee has requested the agencies to provide written responses to a series of questions concerning the task force which should assist the Congress in assessing the success of that operation and the resources needed to escalate the drug enforcement effort on a nationwide basis as announced by the President on October 14.

g. More task forces to fight organized drug trafficking

On October 14, 1982, President Reagan and the Justice Department unveiled a plan to strengthen the nation's drug enforcement. The nation is to be blanketed with 12 additional task forces on the South Florida model, concentrating their efforts against drug trafficking by organized criminal groups. Some 1,100 to 1,200 new law enforcement positions are to be created to man the operations, and the annual cost of the program was put at $160 to $200 million. The Administration did not spell out the budget arrangements, but initial funding was to be transferred from other Federal programs.

Chairman Zeferetti publicly welcomed the announcement as partly answering his months-old demand that the enforcement effort be put on a truly national basis instead of building up South Florida's defenses at the expense of others. But he expressed continuing concerns that the vague funding plans might be inadequate, or carried out at the expense of other valuable programs, or that there might be serious omissions in the task force plan, like an absence of expanded military participation to cover the additional task force areas. The Chairman made points such as these in a return appearance on the MacNeil-Lehrer Report, where Associate Attorney General Rudolph Giuliani gave the Administration's explanation of the plan. Mr. Zeferetti spoke similarly about the task force scheme in other interviews shortly after the plan was announced.

Coming as late in the year as it did, after the start of the pre-election recess on Capitol Hill, the Administration's task force plan was not

subject to a full round of congressional scrutiny, including a thorough examination by the Select Committee. With the funding implications and other details still emerging, it is a subject that deserves early congressional attention in the next session.

C. PRIVATE SECTOR INITIATIVES

1. Introduction

The Select Committee recognizes that drug abuse and the many problems associated with drug abuse cannot be solved by Government alone. Alleviating and preventing the devastation that drug abuse causes are responsibilities shared by all segments of our society. Government does have a primary responsibility, however, to mobilize the resources of the private sector in a continuing effort to prevent and control drug abuse.

One of the most important changes that Government must promote is in public attitudes about drugs. People must be educated to recognize the dangers of drug use, to reject the false glamor of the drug culture and to understand that using drugs for nonmedical purposes creates more problems than it solves.

Within every society, there are individuals, groups and institutions that have the ability to mold public opinions and values and influence behavior. The entertainment and sports professions and the performers and athletes working in these fields are certainly in this category. These professions bring together resources and technical expertise in communications with talented individuals who are held in high esteem by the public. Recognizing the unique contributions these professions can make in shaping public attitudes toward drugs, the committee has been involved during the past year in activities to encourage greater participation in drug abuse prevention efforts by the entertainment and sports communities. These initiatives are described below.

2. Entertainment industry followup

As a follow-up to the hearing in Hollywood last year, the Chairman met on March 5, 1982, with members of the Caucus for Producers, Writers and Directors in Hollywood. Prompted by the hearing, the Caucus had formed an Alcohol and Drug Abuse Committee to study the problem and make its recommendations as to how the movie and television industries can participate in a major anti-drug campaign.

The Chairman briefed the group on the gravity of the problem and the critical need for new initiatives within the private sector to steer young people away from drugs. The group expressed a strong sense of commitment, following the lead of Alan Horn, President of Tandem Productions, who had testified before our committee last year in Hollywood despite the strong pressure that he not appear. Mr. Horn struck a strong note of support for having the group work with the committee on ways in which the industry can assist in promoting drug prevention.

After the meeting, the Chairman corresponded with Alan D. Courtney, Co-chairman of the Alcohol and Drug Abuse Committee. Mr. Courtney advised that their first major effort will be a "White Paper" to the industry which will provide guidelines to be voluntarily fol-

lowed. The guidelines will urge that the use of drugs not be glamorized, and that prevention messages be promoted wherever possible.

3. Drugs and professional sports

Interest rose sharply at mid-year in the issue of drug abuse in the National Football League, mainly as a result of an article in the Sports Illustrated issue of June 14 by Don Reese. The author, a former football player whose own cocaine problem had led to a prison sentence in Florida for a drug sale, charged that drug abuse was widespread among players and that "cocaine can be found in quantity throughout the NFL." Chairman Zeferetti, citing among other concerns the fact that professional athletes serve as role models for many young people, announced on June 16 that he planned to hold Select Committee hearings on the subject. Besides "cleaning the air" by determining the facts of the situation, the committee aimed at helping the NFL "to find out the best possible ways to combat the problem," the Chairman said.

After conferences with NFL officials and Players Association leaders, and a meeting of the Select Committee, it was decided to put the hearing plan in abeyance and hold informal meetings with sports officials, broadening the inquiry to professional sports other than football. Committee members sought to gauge the extent of the problem and to review the programs maintained by the sports organizations to prevent drug abuse and help players with drug problems.

Separate meetings were held July 20 and 21 with leaders of organized baseball as well as football, including Baseball Commissioner Bowie Kuhn and NFL Commissionner Pete Rozelle and representatives of the respective players' unions. Although the National Basketball Association did not participate in these sessions, there had been previous discussions between the committee and NBA officials. The league officials and player representatives from the three major sports recognized the existence of a problem but said it had been exaggerated in the press. The NBA officials described their league's comprehensive program for handling drug and alcohol problems among players. The NBA and its players share the costs of a program to provide assistance in practically any personal problem. A rule of confidentiality permits a participant to receive help from a private organization without notification to his employer. The use of illegal drugs results in harsh disciplinary action if the individual fails to seek help and his drug usage is detected. Dealing in drugs calls for automatic dismissal—a policy followed in the major football and baseball leagues as well as basketball.

In the case of the NFL, the committee hoped to keep the question of a more effective drug abuse program separate from the labor negotiations then nearing a climax. This proved impossible as proposals including drug programs appeared on the bargaining table and as the negotiating atmosphere worsened, leading to a strike that cancelled half of the NFL season. The attempt to promote agreement on new voluntary drug measures in the NFL had to be suspended for the time being.

The committee's informal inquiries on the subject have aroused hope that the leagues and player representatives share an increased

resolve to recognize the dimensions of the problem and find mutually acceptable ways of solving it. The aims are that professional athletes have access to appropriate care when needed, that they do not undermine the integrity of their sports by becoming involved with drugs, and that they present a positive image to the youth of America.

D. ACTIVITIES IN SUPPORT OF LEGISLATIVE INITIATIVES

Although the Select Committee is not empowered to report legislation to the House, it is authorized to make legislative recommendations on drug abuse matters to the appropriate standing committees and the House. The Select Committee also supports the drug-related legislative proposals of the standing committees as appropriate. The activities of the Select Committee during the past year in support of various legislative initiatives concerning drugs are discussed below.

1. Resources for drug abuse prevention and control efforts

In addition to the committee's hearings and other oversight activities that have sought to focus attention on the need for increased resources for drug abuse prevention and control, the committee has initiated and supported a number of legislative proposals in the past year to secure more adequate funding for our drug agencies and programs.

a. First Concurrent Resolution on the Budget, Fiscal Year 1983

During House floor debate on H. Con. Res. 345, the first budget resolution for fiscal year 1983, Chairman Zeferetti offered a series of amendments to the Jones, Latta and Aspin substitutes to increase amounts for key drug enforcement agencies. The amendments were intended to raise funding targets in the resolution to levels that would permit the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the U.S. Customs Service and the Coast Guard to be appropriated the full amounts already approved for 1983 by House authorization committees. For Customs, Mr. Zeferetti's amendments added funds to restore 2,300 Customs positions, including 900 Inspectors and 100 Patrol Officers, proposed for elimination in the Administration's 1983 budget. His amendments would have increased funds for Coast Guard substantially over the Administration's 1983 request, which was barely sufficient to permit Coast Guard to continue operating at 1982 levels—levels already severely curtailed due to budget cuts. The amendments also included funds to restore reductions in DEA's 1983 budget proposed by the Administration, as well as some prior years' cuts, and to raise the Budget Committee's target for FBI up to the current services level proposed by the Administration. Although the House rejected the amendments, the debate helped to focus congressional attention on the severe budgetary plight of the agencies primarily responsible for controlling the massive illicit drug trade.

b. Urgent Supplemental Appropriations, Fiscal Year 1982

In his capacity as a member of the Rules Committee, Chairman Zeferetti offered an amendment to the rule on the fiscal year 1982 urgent supplemental appropriations bill to keep more than $50 million for the Coast Guard and the Customs Service. The amendment,

approved by voice vote of the Rules Committee, removed technical objections to the funding provisions for those agencies approved earlier by the Appropriations Committee.

The amounts preserved by the amendment included $48 million for the Coast Guard to cover a variety of expenses including operating costs for a number of facilities, vessels and aircraft previously marked for closing or deactivation. The amendment also kept $3.4 million for part of the cost of Customs' participation in the South Florida Task Force on Crime.

The bill passed the House on May 12, 1982. During floor debate, the Chairman made a statement supporting the increased funds for Coast Guard and Customs and strongly urging the House to provide even further increases in the 1983 budgets of hard-pressed drug enforcement agencies.

c. Customs funding, fiscal year 1983

The President's budget for fiscal year 1983 proposed to eliminate approximately 2,300 Customs positions, including an estimated 900 Inspectors and nearly 100 Patrol Officers. Citing the serious consequences of this 17-percent reduction in force on Customs drug enforcement capability, Chairman Zeferetti wrote to Congressman Gibbons, Chairman of the Ways and Means Subcommittee on Trade, in early March urging the subcommittee not to accept the Administration's proposed cuts when acting on the Customs authorization bill for 1983. In addition to the proposed manpower cuts, Chairman Zeferetti pointed out that a substantial number of Customs personnel already had been reassigned to South Florida to participate in the Administration's newly announced crime task force, stripping vitally needed resources from other areas seriously threatened by drug smuggling.

Similarly, Congressman Stark, who serves on the Ways and Means Committee as well as the Narcotics Committee, testified before the Trade Subcommittee in opposition to the proposed cuts. His statement noted that the proposed force reductions, coming at a time when Customs resources were being shifted from the West Coast to South Florida, would create a "Free Trade Zone" for narcotics in the Pacific region.

In April, the Trade Subcommittee recommended, and the full Ways and Means Committee approved, a level of funding for Customs in 1983 sufficient to maintain services at 1982 levels and avoid the personnel cuts proposed by the Administration. On June 16, the House passed H.R. 6094, the 1983 Customs authorization measure, after defeating an amendment to limit Customs to the lower amount recommended in the President's budget. Both Mr. Stark and Mr. Gilman made floor statements urging the House to support the funding level approved by the Ways and Means Committee.

Following favorable House action on the authorization bill, Chairman Zeferetti continued to press for full restoration of Customs personnel levels before the Appropriations Committee. On August 5, he wrote to Chairman Roybal of the Treasury, Postal Service, and General Government Subcommittee urging the subcommittee to fund Customs at the level authorized by the House in H.R. 6094. A similar letter was sent to Chairman Whitten on September 21. On Septem-

ber 22, the full Appropriations Committee reported H.R. 7158, the Treasury, Postal Service, and General Government appropriation bill for 1983, including sufficient funds for Customs to restore the 2,300 positions the Administration's budget would have eliminated. The bill passed the House on November 30.

d. Funding for the National Institute on Drug Abuse

The National Institute on Drug Abuse (NIDA) in the Department of Health and Human Services (HHS) is the agency with lead responsibility for Federal efforts to reduce the demand for drugs. Although delivery of drug abuse services is now administered primarily at the State level under the new Alcohol, Drug Abuse and Mental Health Block Grant, NIDA continues to be responsible for providing national leadership in the critical areas of research, research training, data collection and analysis, information dissemination, and technical assistance. Budget cuts enacted in 1982, however, severely weakened NIDA's ability to perform these functions effectively.

In August, Chairman Zeferetti wrote to Chairman Natcher of the Appropriations Subcommittee on Labor, Health and Human Services, and Education expressing concern about the effects of budget reductions on NIDA's programs. In his letter, the Chairman urged the subcommittee to approve the Administration's 1983 budget request for NIDA which included a 16.3 percent increase in funds for NIDA's research activities. While recognizing the need for fiscal restraint, the Chairman pointed out that the Administration's request for 1983 was the minimum amount required to restore NIDA's operations to acceptable levels.

On September 29, the Appropriations Committee reported H.R. 7205, the Labor, HHS, and Education appropriation bill for 1983. The bill includes $61,352,000 for NIDA, $1,018,000 more than requested in the President's budget. The House passed H.R. 7205 on December 1.

e. Coast Guard authorization

As noted above, during House debate on the first concurrent resolution on the budget for fiscal year 1983, Chairman Zeferetti offered a series of amendments to raise the funding levels for the Coast Guard and other drug law enforcement agencies up to the amounts approved by House authorizing committees. Continuing the effort to increase funds for drug law enforcement, Chairman Zeferetti strongly supported House passage of H.R. 5617, the fiscal year 1983 and 1984 authorization bill for the Coast Guard, the Nation's first line of defense against drug smugglers. The bill included significant increases over the Administration's budget for key Coast Guard activities to help improve the Coast Guard's operational capabilities in law enforcement and a number of other areas. As a member of the Rules Committee, Mr. Zeferetti managed the rule on H.R. 5617, calling upon the House to approve the increased resources so urgently needed by the Coast Guard. During floor debate, both Mr. Gilman and Mr. Biaggi rose in support of the bill.

f. Testimony for Defense appropriations to aid drug enforcement

In testimony August 10, 1982, before the Defense Appropriations Subcommittee, Chairman Zeferetti made a case for providing the Navy with funding to support its E–2C radar plane patrols against aerial drug smuggling. "If this most important capability is to be maintained," Mr. Zeferetti told the subcommittee, "the Navy must be provided the resources. . . ." He argued that the E–2C patrols, proven successful in a test against smugglers in South Florida, contribute to national security by making our borders less vulnerable to all kinds of intruders, including terrorists.

Mr. Zeferetti did not put a dollar figure on his E–2C proposals, but the cost of E–2C assistance to the Florida drug enforcement effort was expected to exceed $1.25 million in calendar 1982. The subcommittee, headed by Congressman Joseph P. Addabbo, agreed to fund the additional operating costs incurred by the Navy for aiding the antismuggling work with E–2C.

Mr. Zeferetti also suggested in his testimony, for future consideration in Defense budgeting, that "a limited number" of additional E–2C aircraft be acquired by the Navy to provide more anti-smuggling capability in years to come. The subcommittee, lacking prior authorizing legislation, did not act on this proposal.

In the same testimony, as reported above in this annual report, Mr. Zeferetti urged the subcommittee to approve the substantially increased fiscal 1983 funding requests sought by the Armed Services for programs to combat drug abuse in their own ranks. The subcommittee acted favorably on these requests.

Mr. Zeferetti warmly commended subcommittee Chairman Addabbo and other members of the Defense Appropriations Subcommittee for backing the E–2C operating funds, in an exchange December 7, 1982, during House floor debate on the 1983 Defense Appropriations bill. The Narcotics Committee Chairman pointed to the role of the E–2C in successes of the Florida task force, and noted the anti-drug task force concept is being extended to the rest of the country and "will require additional resources." He renewed his recommendation that additional E–2Cs be purchased to help the Navy perform its anti-drug smuggling mission, and suggested making provision for two planes in the Fiscal Year 1984 Defense budget. Mr. Addabbo thanked Mr. Zeferetti for "his contribution in supporting law enforcement efforts" against the drug traffic. On the matter of a 1984 procurement of two E–2Cs, Mr. Addabbo said he would "recommend to the (Appropriations) Committee that they give serious consideration to this matter provided authorization is made."

2. Disallowance of tax deductions and credits in connection with illegal narcotics trafficking

On March 23, 1982, Congressman Lawrence DeNardis, a member of the Select Committee, introduced H.R. 5924, which proposed to amend the Internal Revenue Code of 1954 to deny all deductions and credits in connection with carrying on an illegal drug business if the taxpayer is convicted of a Federal felony for engaging in such activity.

Prompted by press reports of a Tax Court decision that permitted income tax deductions for rent, transportation and other expenses of a drug dealer who operated his business out of his apartment, Mr.

DeNardis contacted the Select Committee staff and requested comments on a draft bill he had prepared to amend the Internal Revenue Code to deny such deductions in narcotics related tax cases. Upon review of Mr. DeNardis' proposal and the relevant statutes and case law, the staff found that long-standing revenue and congressional policy permitted business deductions and credits for both legitimate and illegitimate business activity. The Internal Revenue Code was drafted and has been implemented to tax net income whether the activity generating income is legal or illegal. Mr. DeNardis was advised that legislation along the lines of the proposal he had drafted would be necessary to prevent such deductions.

The concepts contained in the DeNardis bill were included in section 351 of the Tax Equity and Fiscal Responsibility Act of 1982 (H.R. 4961, P.L. 97–248). Under the tax bill, all deductions and credits for amounts paid or incurred in the illegal trafficking in drugs listed in the Controlled Substances Act are disallowed.

In addition, sections 356 and 331 of the Tax Equity and Fiscal Responsibility Act contained modifications of the privacy and administrative summons provisions of the Tax Reform Act of 1976. The objective of these changes is to relax the requirements Federal investigators must meet to obtain tax and financial information concerning narcotics traffickers and other organized crime figures, while preserving individuals' privacy rights. The provisions relating to disclosure of taxpayer information were initially offered in the House as separate legislation, H.R. 6475, by Mr. Rangel, a member of the Select Committee. He introduced his bill after conducting extensive hearings before his Ways and Means Subcommittee on Oversight. In its 1981 recommendations to the House, the Select Committee urged congressional reexamination of the Tax Reform Act of 1976.

The conference report on the Tax Equity and Fiscal Responsibility Act of 1982 passed the House on August 19, 1982, and was signed by the President on September 3, 1982.

3. Criminal forfeiture of drug profits and proceeds and increased penalties for drug trafficking

Chairman Zeferetti, on March 9, 1982, submitted testimony to the House Judiciary Subcommittee on Crime on H.R. 5371, the Comprehensive Drug Penalty Act of 1982. This bill, which was introduced by Congressman William J. Hughes, Chairman of the Crime Subcommittee, evolved in part from measures introduced by Mr. Zeferetti (H.R. 4110 and H.R. 4413) and Mr. Gilman (H.R. 2910) providing for criminal asset forfeiture and increased penalties for drug trafficking, and permitting the Attorney General to use certain proceeds from forfeited property to purchase evidence and other information for drug-related investigations. Mr. Zeferetti and Mr. Gilman testified in support of their bills before the Crime Subcommittee last year.

In his statement this year, Chairman Zeferetti gave his wholehearted support to H.R. 5371. The Chairman pointed out that the bill accomplished the main objective of H.R. 4110. That proposal made explicit that all the profits and proceeds gained as a result of narcotics trafficking are subject to forfeiture under the Racketeer Influenced and Corrupt Organizations Act (RICO, 18 U.S.C. 1961, et seq) and the Continuing Criminal Enterprise statute (21 U.S.C. 848). Court decisions have narrowly limited the reach of criminal forfeiture under the RICO and CCE statutes.

Mr. Zeferetti also noted that H.R. 5371 would amend many of the penalty provisions of the Controlled Substance Act and the Controlled Substances Import and Export Act by substantially increasing the maximum criminal fines that may be levied for drug trafficking and related offenses. In addition, in lieu of a specific fine, the bill would authorize the imposition of an alternative fine of up to twice the amount of any gross pecuniary gain a defendant derives from a drug offense. The Chairman further noted that the increase of existing fines that may be imposed against drug traffickers was one of the recommendations submitted by the Select Committee to the Congress in its annual report for 1981.

The Chairman also voiced endorsement for section 9 of H.R. 5371 which would provide a mechanism to help fund Federal drug law enforcement efforts out of the illicit proceeds of drug trafficking. The bill would establish a Drug Enforcement Fund in the Treasury Department consisting of amounts equal to profits and proceeds forfeited to the Government under the criminal and civil forfeiture provisions of the Controlled Substances Act and RICO. Amounts in the fund would be available to the Attorney General, to the extent provided in appropriations acts, for drug law enforcement purposes. For fiscal years 1983 and 1984, the first two years of the fund's operation, the bill places a ceiling of $10 million per year on amounts which may be used from the fund.

Following this hearing Congressman Hughes introduced H.R. 7140 a clean bill, in lieu of H.R. 5371. H.R 7140 differs from 5371 in that it does not amend the RICO statute, but it does make subject to criminal forfeiture any gross profits and proceeds derived as a result of a felony violation of the Controlled Substances Act or the Controlled Substances Import and Export Act. As in H.R. 5371, H.R. 7140 would substantially increase the maximum fines that may be levied for drug trafficking and related offenses. The bill also creates for fiscal years 1984 and 1985 a drug enforcement fund in the Treasury up to $10 million per year to be used by the Attorney General for drug enforcement purposes.

On September 28, 1982, H.R. 7140 was brought up for floor consideration by Mr. Hughes. Mr. Zeferetti and Mr. Gilman participated in the debate and outlined their positions and support for the measure. The bill was passed under suspension of the rules on that day. The Senate passed H.R. 7140 on October 1, with an amendment substituting the language of a substantially different Senate bill, and requested a conference with the House.

4. Bail reform

During the second session of the 97th Congress, the Select Committee continued its close monitoring of congressional actions to reform the Federal bail and pre-trial release statutes (18 U.S.C. 3141 et seq). As a result of the committee's investigations and hearings, Chairman Zeferetti introduced H.R. 5428 on February 2, 1982. H.R. 5428 would make a comprehensive change in the present Federal bail system and would enhance narcotics enforcement in many respects.

H.R. 5428 would require courts to consider the danger to the community presented by defendants in setting release conditions, permit pre-trial detention for dangerous and violent offenders and eliminate money bail and surety bonds as release conditions. In cases involving

crimes of violence or drug-related offenses, courts would be required to hold hearings to determine whether any release conditions would reasonably assure the appearance of defendants as required, and also the safety of the community. If not, the court could detain the defendant prior to trial.

An important feature of the bill is the abolition of money bail and surety bonds as conditions of release. The committee found through its hearings and studies that the traditional system of money bail breaks down when dealing with narcotics offenders. The committee has heard countless cases of major narcotics traffickers who post enormous amounts of money bail and then flee the jurisdiction to continue their lucrative dealings in drugs. These defendants are more than willing to forfeit bail as a cost of doing business.

On June 9, 1982, Chairman Zeferetti wrote to Chairman Rodino of the Judiciary Committee urging that the Judiciary Committee consider bail reform as a priority matter. Pending before Judiciary at the time of Mr. Zeferetti's letter was H.R. 4362, which had been reported by the Subcommittee on Courts, Civil Liberties and the Administration of Justice and was similar in several respects to H.R. 5428. Chairman Zeferetti indicated his support for H.R. 4362 but urged the Judiciary Committee to consider certain changes consistent with findings and recommendations of the Select Committee reflected in H.R. 5428. On September 15, 1982, Chairman Zeferetti again wrote Chairman Rodino urging action on bail reform legislation and indicating his opposition to H.R. 6960 which had been offered as a substitute to H.R. 4362. Mr. Zeferetti objected to H.R. 6960, which does not allow for the initial pre-trial detention of dangerous and violent offenders, because it does not provide Federal judicial officers with the necessary tools to protect society from narcotics traffickers.

5. Currency and Foreign Transactions Reporting Act

As part of the Select Committee's efforts to strengthen existing laws that assist Federal investigators and prosecutors in the financial investigation of drug trafficking, Chairman Zeferetti submitted a statement to the Banking Committee's Subcommittee on General Oversight and Renegotiation on July 13, 1982. This hearing was called by Oversight Subcommittee Chairman Joseph Minish to review the efficacy of the Currency and Foreign Transactions Reporting Act (Bank Secrecy Act, 31 U.S.C. 1051, et seq).

Mr. Zeferetti gave the subcommittee a summary of the testimony concerning narcotics financial investigations heard by the Select Committee at its hearing in Fort Lauderdale, Florida, in October 1981. The Fort Lauderdale hearing focused on "Operation Greenback," a joint Customs-DEA-IRS task force which targets those banking institutions, organizations and individuals involved in the multi-billion dollar narcotics cash flow in South Florida. The Greenback investigations are primarily concerned with sophisticated money laundering schemes and intricate theories of criminal conspiracy and fraud. The reporting requirements of the Bank Secrecy Act are a necessary tool in the conduct of these investigations. The Chairman vigorously urged more aggressive use of the Bank Secrecy Act. He stated, "As we have learned from Operation Greenback . . . the only way to effectively permeate the financial base of narcotics traffickers is by dilegent enforcement of the Bank Secrecy Act, so that an audit trail exists on the movements of large amounts of cash."

Congressman Zeferetti pointed out that despite the success of Operation Greenback, hearings and studies of the Select Committee have uncovered statutory and regulatory deficiencies in the Bank Secrecy Act that call for improvement. Among the recommendations that Chairman Zeferetti made to the Oversight Subcommittee were the following:

Statutory revisions.—1. The Bank Secrecy Act should be amended to make it a criminal offense to attempt to leave the country with money in excess of $5,000 without first filing a report with the Customs Service as required by the Act. Current law does not expressly make such attempts a violation of the Bank Secrecy Act; some courts have held that a violator must actually leave the country before a crime under the Act occurs.

2. An attempt provision should be added to Title 31 making a pattern of failing to file or causing a failure to file required forms by a financial institution a violation of the Bank Secrecy Act. Presently a financial institution is required to file reports of deposits in excess of $10,000 with the Internal Revenue Service within 15 days. In that time, the money deposited can be laundered out of the country. The Government should have the authority to prosecute individuals engaged in a pattern of failing to file or filing false currency transaction reports.

3. There are presently no forfeiture provisions for failing to file or filing false forms on deposits in excess of $10,000. The establishment of a forfeiture provision for failing to file or the false filing of currency transaction reports would facilitate the suggested attempt provision outlined above. The burden of proof would be on the Government to establish that individuals are knowingly and willfully attempting to launder money through financial institutions without complying with the Bank Secrecy Act requirements. Those amounts should be subject to civil forfeiture. This authority, coupled with the above attempt offense, would permit the Internal Revenue Service to proceed civilly and criminally on large cash deposits before they are laundered out of the country.

4. Border searches for monetary instruments should be permitted whenever a Customs officer has "reasonable cause to suspect" that monetary instruments are being transported out of the country in violation of the Bank Secrecy Act. Present authority (31 U.S.C. § 1105) requires a showing of probable cause before a search warrant may be issued for a currency reporting violation. This conflicts with the basic long-standing warrantless border search authority vested in Customs that requires only a reasonable cause to suspect. This change would in effect place unreported currency among the other articles of possible contraband for which Customs officers are already authorized to search.

5. Currency violations under Title 31 should be added to the category of criminal acts which are defined as "racketeering activities" under the Racketeer Influenced and Corrupt Organizations statute (RICO, 18 U.S.C. 1961 et seq). Laundering vast amounts of money in violation of the Bank Secrecy Act is an integral part of the operation of a narcotics trafficking network. The inclusion of currency violations as RICO predicates would enhance the forfeiture of monies illegally gained as a result of drug trafficking and expand the range of criminal indictments against drug traffickers.

Regulatory revisions.—1. Bank Secrecy Act regulations should be amended to designate third-party cashiers checks as monetary instruments subject to the reporting requirements of the Act. Since these checks are not by definition considered to be bearer instruments, they go unreported when in transit in or out of the country and are becoming increasingly used by narcotics traffickers to launder funds without detection.

2. The Treasury Department should consider adding wire transfers of funds between banks to the category of transactions required to be reported under the Bank Secrecy Act. To date wire transfers have not been required to be reported because of their voluminous numbers. However, the wire transfer of large amounts of money is often the last step employed by narcotics traffickers to launder funds outside the country. While this information is available to Government investigators under other authority, Treasury should explore making wire transfers over a certain amount subject to Bank Secrecy Act reporting requirements.

3. The Treasury Department should continually review its procedures for the dissemination of Bank Secrecy Act information to Federal law enforcement agencies, and in proper instances to State law enforcement and banking authorities, to insure that the information filed with the IRS and Customs is as widely and thoroughly used as possible.

6. Postal Service amendments

As a result of extensive hearings by the House Select Committee on Aging into the problem of mail fraud schemes against the elderly, Chairman Claude Pepper introduced H.R. 3973 in June 1981 to strengthen the investigatory and enforcement powers of the Postal Service. The Narcotics Committee's subsequent hearings on look-alike drugs revealed that suppliers of these drugs make widespread use of the mail in advertising and distributing their products. Look-alike drugs are over-the-counter preparations made to mimic the appearance of, and often sold or represented as, commonly abused controlled substances such as amphetamines. In testimony before the Select Committee, Postal Service officials indicated that their ability to control the mail order aspects of the look-alike trade would be enhanced significantly by enactment of provisions contained in H.R. 3973 including the civil investigative demand authority, the authority to make test purchases and the civil penalty authority.

In July 1982, during hearings on H.R. 3973 by the Postal Personnel and Modernization Subcommittee, Chairman Zeferetti wrote to subcommittee Chairman Mickey Leland and Post Office and Civil Service Committee Chairman William D. Ford to inform them of the Select Committee's hearings on look-alike drugs and the need those hearings documented for legislation like H.R. 3973 to help control the burgeoning look-alike abuse problem. On behalf of the Select Committee, the Chairman urged approval of expanded investigative and enforcement powers for the Postal Service, noting that nearly 300 Members of the House, including 24 from the Select Committee, had co-sponsored H.R. 3973.

On October 4, 1982, the Post Office and Civil Service Committee reported H.R. 7044, a revised bill that expands the Postal Service's investigative and enforcement authorities with safeguards to guarantee proper use of these powers. An amended version of this bill, strik-

ing the controversial civil investigative demand authority, passed the House under suspension of the rules on December 13, 1982. Similar legislation (S. 1407) has already passed the Senate.

7. Congressional Reports Elimination Act—H.R. 6005

On July 28, 1982, Chairman Zeferetti wrote to Chairman Brooks of the Government Operations Committee concerning H.R. 6005, the Congressional Reports Elimination Act of 1982. This legislation deals with the elimination or modification of various reports required to be submitted by the Executive branch to the Congress. Mr. Zeferetti, on the Select Committee's behalf, opposed two proposals in the bill affecting drug abuse policy and urged Chairman Brooks to strike them if the bill was actively considered.

Section 102(f) of H.R. 6005 would have repealed section 207 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1117). This section requires the President to submit to the Congress an annual report specifying the objectives, nature and results of drug abuse policy coordination as well as an accounting of all funds expended in connection therewith. The Chairman felt it would be ill-advised to eliminate this requirement. Mr. Zeferetti wrote, "This report serves as an integral component of the congressional oversight function to review and evaluate Federal drug policies and activities. Further, if this provision is stricken there will be no accurate record of the Administration's drug abuse activities or the monies expended."

Chairman Zeferetti also opposed Section 201(a) of H.R. 6005 which would have modified section 305 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1165) by placing the promulgation of the present annual Federal drug strategy report on a 2-year cycle. The Chairman noted that the Administration had failed as yet to promulgate a drug abuse strategy and urged that no change be considered in this statutory requirement until the Administration had issued its first report (which finally was done on October 5).

On September 20, 1982, H.R. 6005 passed the House of Representatives with the changes proposed by Mr. Zeferetti. The Senate passed the bill on December 8.

8. International Year Against Drug Abuse— H. Con. Res. 331

On May 5, 1982, Mr. Railsback, the ranking minority Member of the Select Committee, and a majority of the other members of the Select Committee introduced H. Con. Res. 331. This resolution urges the President to promote a declaration by the United Nations of an International Year Against Drug Abuse. This resolution was introduced because the drug problem continues to worsen in most parts of the world and the number of drug abusers has risen and spread geographically. A declaration by the United Nations would serve as a catalyst for promoting action at an international level and mobilize world opinion against countries which fail to take responsible action against the growth and trafficking of narcotics.

The resolution was introduced concurrently in the Senate by Senator Paula Hawkins of Florida who chairs the Senate Drug Enforcement Caucus. Co-sponsors of the Senate resolution included members of the Senate Drug Enforcement Caucus. The resolution was made part of S. 2572 and H.R. 6497, omnibus bills to strengthen law enforcement in the areas of violent crime and drug trafficking. S. 2572 was passed by the Senate on September 30.

E. INTERNATIONAL ACTIVITIES

1. United Nations Commission on Narcotic Drugs

In December of 1981, the United Nations General Assembly approved Resolution 36/168, adopting the International Drug Control Strategy and Basic Five-Year Program of Action, a United States initiative that Mr. Gilman helped draft as a Member of the U.S. delegation to the U.N. General Assembly. This resolution calls for establishing a task force to review, monitor, and coordinate the international drug strategy and program of action, the details of which were discussed at the 7th Special Session of the U.N. Commission on Narcotic Drugs (CND) that was held on February 28, 1982, in Vienna, Austria.

Through the cooperation of Dominick DiCarlo, Assistant Secretary of State for International Narcotics Matters, and on behalf of the Select Committee, Mr. Gilman participated in the Commission's deliberations and delivered a statement on the global dimensions of narcotics trafficking and drug abuse. He urged the CND to implement the U.N. Drug Task Force and pointed out the need for greater participation by nations of the international community to contribute to the U.N. Fund for Drug Abuse Control.

Pursuant to Resolution 36/168, the Commission decided to establish, on a provisional basis, a task force composed of members of the Commission's Steering Committee and representatives of the Division on Narcotic Drugs, the U.N. Development Program, the U.N. Fund for Drug Abuse Control, the International Narcotics Control Board and the World Health Organization. The composition of the U.N. Drug Task Force will be reviewed at the next session of the CND, which will be held in Vienna in February 1983.

2. Study mission to Italy and Israel, April 1982 (nonmilitary aspects)

Besides looking into U.S. military programs against drug abuse (as described above), Chairman Zeferetti sought during his visit to Italy and Israel to continue the Select Committee's initiatives with religious institutions in the fight against damaging drugs.

On April 7 at the Vatican, the Chairman met briefly and exchanged good wishes with Pope John Paul II. Mr. Zeferetti assured the Pope of the committee's continuing support for strong papal efforts in drug education and aid to young addicts. In a letter presented on the occasion, the Congressman told the Pope: "This deep involvement of the Church, under your caring leadership, is restoring personal values and is helping immeasurably to bring us closer to the objective of a drug-free youth. Your personal commitment to the prevention of drug abuse among youth provides the encouragement for corresponding efforts by local Church bodies and by leaders of other religions." Mr. Zeferetti cited the Pope's initiative as helping to advance such local anti-drug efforts as those under way in the Archdioceses of New York and Washington, D.C.

The Chairman planned, during his visit to Israel, to hold similar discussions with Chief Rabbi Goren and other leaders of the Jewish faith. This meeting had to be cancelled at the last minute because of security problems that arose as a result of a bombing incident and accompanying civil turmoil in Jerusalem.

While in Rome, Mr. Zeferetti also met with U.S. Ambassador and Mrs. Maxwell Rabb. The Ambassador assured the Congressman of his firm commitment to support the Italian Government's stepped-up program to combat organized crime and the illicit drug traffic. Michael A. Antonelli, the Drug Enforcement Administration's country attache at the U.S. Embassy in Rome, reported favorably on the Italian anti-drug campaign. A meeting was attempted, but could not be arranged, between the Chairman and General Carlo Alberto Dalla Chiesa, the highly respected police official who was about to be sent to Sicily as Prefect of Palermo with the mission of stamping out the Mafia. The general and his wife were assassinated in September, and the Italian Government in reaction has intensified its drive against the Mafia, which is involved in much of the heroin smuggling to the United States.

3. Meeting with Dr. Giuseppe di Gennaro, Executive Director, UNFDAC

The Chairman met on April 20, 1982, with Dr. Giuseppe di Gennaro, then newly appointed as the Executive Director of the United Nations Fund for Drug Abuse Control (UNFDAC). Dr. Gennaro is a former law enforcement official in Italy who in his UNFDAC position will direct United Nations funding of drug-related projects throughout the world. Dr. Gennaro stressed that he intends to promote strong support for UNFDAC within the United Nations to meet international narcotics control objectives. He recognized that the United States has been the principal financial supporter of UNFDAC, and he offered a personal commitment that his leadership will warrant that continued support.

Dr. Gennaro expressed an understanding of the problems within source countries in stopping the growing and trafficking of illegal drugs, and he intends to work closely with our State Department to promote effective programs within those countries. He also sought to make it clear that despite his professional background he knows law enforcement alone cannot solve the problem.

The Chairman, on behalf of the members of the Select Committee, expressed support to Dr. Gennaro and wished him success in his directorship.

4. Mexico-United States Interparliamentary Conference

Mr. Gilman attended the 22nd Annual Mexico-United States Interparliamentary Conference that was held in Santa Barbara, California, on May 27–June 1, 1982, where he presented a paper on the efforts of both nations to combat drug trafficking and drug abuse. His statement before the Conference's Political and Social Committee was the catalyst for the parliamentarians to formulate the Santa Barbara Narcotics Accord, a resolution that was adopted by the delegations of both nations.

The Santa Barbara Narcotics Accord commits both Mexico and the United States to elevate to the highest priority the problems emanating from narcotics production, trafficking and abuse. It also pledges both nations to develop a comprehensive, coordinated, regional drug strategy: (1) to interdict drug trafficking; (2) to eradicate the illicit production of drugs at their sources; (3) to increase the technical cooperation between the United States and Mexico in their permanent

campaign against the illicit production and trafficking of narcotics; (4) to educate their citizens regarding the dangers of drug abuse; (5) to encourage proper treatment and rehabilitation of those individuals dependent upon drugs; and (6) to support the development of crop substitution programs fostering agricultural, industrial and commercial activities accompanied by economic incentives to insure their success.

Twice in the 22-year history of the bilateral conference legislators adopted resolutions relating to complex issues governing relations between the two nations. In both instances the legislators adopted measures committing the two nations to intensify their efforts to combat narcotics trafficking and drug abuse. The first occasion occurred in 1977 when the two delegations adopted the Hermosillo Declaration on Combatting the Traffic in Drugs at the International Level, which was based upon a paper on international drug trafficking presented by Mr. Gilman; the second instance was the Santa Barbara Narcotics Accord of 1982.

5. The European Parliament

Representative Gilman participated in the 20th meeting between Members of Congress and Members of the European Parliament that was held on June 23, 1982, in Washington, D.C. In his remarks to his colleagues, Mr. Gilman stressed the need for nations to pool their equipment, personnel, expertise and funds to wage an all-out "war" against drug trafficking and drug abuse, and the need for greater participation by members of the European Community to contribute to the United Nations Fund for Drug Abuse Control.

Mr. Gilman noted that in December of 1981, the United Nations General Assembly approved Resolution 36/168, adopting an International Drug Control Strategy and Five-Year Program of Action. He urged his European colleagues to support this resolution, the implementation of which will be discussed at the February 1983 Session of the U.N. Commission on Narcotic Drugs in Vienna, Austria. He also stressed the need to create a joint narcotics commission or committee composed of legislators from the United States and the European Parliament to help formulate a comprehensive, coordinated regional drug strategy and to propose uniform narcotics laws to extradite drug offenders and to conduct law enforcement undercover investigations. The European legislators acknowledged the gravity of the drug problem within their respective countries and expressed support for the proposal.

F. SPECIAL ACTIVITIES

1. Support for community action to prevent drug abuse

a. Congressional Advisory Committee on Drug Trafficking and Substance Abuse—26th District, New York

During the summer of 1981, Congressman Gilman brought together leaders of New York's 26th Congressional District who represent parents, teachers, students, school administrators, guidance counsellors, law enforcement officers, treatment specialists, and business and labor officials to create a Congressional Advisory Committee on Drug Trafficking and Substance Abuse to help raise the consciousness of the public regarding the dangers of drug abuse.

Following a series of workshops and meetings held in 1981, the Drug Advisory Committee met on March 20, 1982, to discuss drug treatment, rehabilitation, prevention and law enforcement programs in the District. Through the cooperation of Julio Martinez, Commissioner of the New York State Division of Substance Abuse Services, members of the committee participated in a drug training seminar on the physiological and psychological effects of marihuana, cocaine and heroin on October 21, 1982. The seminar was conducted by the New York State Division of Substance Abuse Services. The Division's speakers also discussed with the seminar participants community efforts to combat drug abuse.

As a result of these meetings, workshops and training seminars, the Drug Advisory Committee is compiling a drug resource directory to identify agencies, centers and civic groups that provide treatment, rehabilitation, counseling, prevention and law enforcement services to New York State's lower Hudson Valley region. The Drug Advisory Committee serves as a catalyst for community groups seeking information on drug trafficking and drug abuse.

b. New York State Division of Substance Abuse Services

The New York State Division of Substance Abuse Services, which held its fifth statewide Substance Abuse Conference on March 28–31, 1982, in New York City, has established a steering committee among seven counties in New York State's lower Hudson Valley region to assist community organizations in combating drug abuse at the local level. To assist in that effort and to help link Federal and State drug awareness programs, the Drug Advisory Committee for New York State's 26th Congressional District has become a member of that steering committee. The steering committee met on September 15, 1982, and October 27, 1982, to plan a drug awareness program for the State's lower Hudson Valley region.

c. School District 20 (Brooklyn, N.Y.) Fourth Annual Alcohol and Drug Prevention Fair

On April 29, 1982, Chairman Zeferetti was the principal speaker at the Fourth Annual Alcohol and Drug Abuse Prevention Fair sponsored by Community School District 20 in Brooklyn, New York. This annual event, which is a community-wide substance abuse prevention and education effort, focused on the very complex problem of defining the elements of successful drug and alcohol abuse prevention programs. The fair was attended by several hundred people.

In his remarks to the participants, Mr. Zeferetti emphasized the importance of local events such as the fair and other drug and alcohol abuse workshops that are taking place all over the nation, which the Select Committee strongly supports and encourages. He stressed that community awareness of the nature and dimension of drug abuse is essential to the development of effective prevention activities.

A more detailed discussion of the fair and the groups and individuals responsible for its success appears in the Congressional Record Extension of Remarks for May 6, 1982, at page E2076.

d. AFSCME Alcohol and Drug Abuse Conference "for kids only"

On June 5, 1982, District Council 37 (New York) of the American Federation of State, County and Municipal Employees held a "for kids only" conference on adolescent alcohol and drug abuse for the

children of the members of the council. The objective of the conference was to provide these young people with solid factual information about alcohol and drug abuse.

The Select Committee was asked by ALTERNATIVES, the drug and alcohol prevention program of School District 22 in Brooklyn and a participant in the Conference, to assist by supplying resource materials and publications dealing with drug abuse. The committee furnished the conference with a number of booklets and other drug abuse information.

e. Meeting on Drug abuse in Ohio High schools

Congressman Mike Oxley, a member of the Select Committee, held a meeting on drug abuse in Ohio high schools, in Mansfield, Ohio, on Friday, June 18, 1982. The purpose of the meeting was to examine the following: the extent and pattern of drug use in this semi-urban and rural area of the nation; the types of programs available in the area to treat and prevent drug abuse; and the police and school enforcement techniques used to control drug traffic and drug use by young people. Another goal of the meeting was to increase public awareness of the drug abuse problems among young people and to encourage and support effective community responses to these problems. Participants in the meeting included: Dr. Patrick O'Malley, Study Director, Institute for Social Research, University of Michigan, representing the National Institute on Drug Abuse; Charles Buroker, Superintendent of Schools, Bluffton, Ohio; John Olds, Principal, Elida High School; Gary Bedlion, Teacher, Findlay High School; Dan Rumer, Assistant Principal, Bath High School; Richard Petty, Sheriff, Richland County Sheriff Department; Major Charles Brereton, Richland County Sheriff Department; Sergeant Ronald Monday, Police Department, Findlay, Ohio; Phil Ward, Allen County Health Department; Jack Miller, Director, Division of Alcoholism and other Drugs, Hancock County; Mrs. John Goudy and Mrs. Carol Auchard, concerned parents; and three students, John, Thomas, and Brett, who are former drug users.

The Select Committee has investigated student drug use in urban areas in other parts of the country, including New York City and Memphis, Tennessee. The area of the Ohio meeting encompasses a rural and semi-urban midwestern section of the country and thus provides a different setting in which to undertake an investigation. Drug abuse by our youth is an issue of national concern among teachers, parents, law enforcement officers, and concerned citizens. The number of young people using drugs has risen dramatically in the last decade, and at the same time the age of youth at which drug use begins has dropped rapidly.

Dr. Patrick O'Malley, representing the National Institute on Drug Abuse (NIDA), cited various findings of a NIDA national survey on drug use by high school seniors. Comparisons between student drug use nationally and in this area of Ohio were made during the course of the meeting. According to the survey, the illicit drug most used by high school students in the United States is marihuana followed in order of frequency of use, by stimulants, sedatives, hallucinogens, cocaine, and heroin. In this area of Ohio, students also use marihuana most frequently, often in combination with alcohol. A large number of students also take pills. Most of the students probably believe they are taking amphetamines, but here, as in many other areas of the na-

tion, the widespread sale of look-alike pills which are passed off as amphetamines is on the upswing. Because this is a relatively new phenomenon, teachers and law enforcement officials are not sure what percentage of the pills being used by students are "look-alikes."

Drug use in the Ohio area may differ from that indicated by the results of the NIDA study in some respects. For example, participants believed that the use of cocaine by high school students is extremely slight, rather than the 12 percent usage rate during the past year reported in the survey. Furthermore, whereas the survey indicates that LSD use nationally has stabilized, use of the drug in this area of Ohio appears to be increasing.

Charles Buroker, the superintendent of the Bluffton school system, reported on a survey taken on drug use in the Bluffton schools. The results indicated that drug use in this small town with a Mennonite community and college is similar to that of schools in Ohio's more urban areas.

Three students described their drug habits. Two of the three had begun abusing drugs by age 11. They all stated that drugs are very accessible, and that parents and teachers are not knowledgeable enough about drugs to know when students are using them.

The school personnel—Charles Buroker, John Olds, Gary Bedlion and Dan Rumer—agreed that the drug education program currently required should be expanded to provide more training and information for teachers and parents, and to place stronger emphasis on the health ramifications of drug abuse. This should be done on a national basis as well. Further, they felt that strict enforcement and prosecution of existing laws is necessary to curtail the accessibility of drugs. They also noted that schools have the responsibility of curtailing illegal drug use but cannot control evening and weekend activities.

The law enforcement officers—Sheriff Richard Petty, Major Charles Brereton and Sergeant Ronald Monday—emphasized that education and total community effort along with law enforcement are the most effective means of combatting the problem. They feel that there should be stricter enforcement of drug laws. For example, in the case of marihuana, simple fines will not discourage use nor will they encourage the accused to reveal his or her source of the drug.

Phil Ward of the Allen County Health Department and Jack Miller of the Hancock County Alcoholism Council spoke about the need for better role models for youth. Drug use has become glamorized in songs, television and movies, and thus ingrained in our culture. In this area of Ohio, treatment generally is done on an out-patient basis by the county health departments. The treatment personnel believe that cooperation by parents and schools is necessary for the out-patient treatment to work. Usually, unless the youth is taken out of an environment which encourages drug abuse, treatment will be ineffective.

The parents who spoke, Mrs. John Goudy and Mrs. Carol Auchard, voiced the frustration of parents in the face of the overwhelming problem of drug abuse by the children in their communities. In most communities, there are no parents' groups or PTA committees devoted to solving this problem. In some areas parents are trying to establish organizations, only to meet with great resistance because people are reluctant to recognize the problem. A child who is dependent on drugs can disrupt the family with a nightmare of fear, anxiety and pain, and it can be very difficult to get the proper help. Parents' groups can give

needed support and information to parents with drug-abusing children. They can mobilize an entire community.

f. Public and private school antidrug campaign, New York City

On October 23, 1982, the Chief Counsel represented the Chairman at an awards ceremony in New York City for public and parochial elementary, middle and high school students who participated in a running marathon promoting a school antidrug campaign. The marathon was arranged by the Northwest Bronx Office of Substance Abuse Ministry of the Catholic Archdiocese of New York, together with New York City School District 10. Over a thousand students participated in the event under the overall auspices of Drug and Alcohol Rehabilitation and Education (D.A.R.E.), an organization established as part of the initiatives stemming from the "Call To Action" program of Cardinal Cooke, Archdiocese of New York.

The awards were presented by a young movie actor, Douglas McKeon, who recently appeared in the film, "On Golden Pond." Mr. McKeon, a New York resident, has traveled extensively throughout the United States talking against drugs to young people.

The most significant aspect of the marathon and the participating organizations was the support the public and private school systems provided each other in a strong and dedicated antidrug crusade. The close working relationship between public and private groups within School District 10 can well become a model for other communities to follow.

2. Marihuana information

a. Speaking out against easing restrictions on marihuana

1. *The Washington Post and NORML.*—In a Letter to the Editor published in The Washington Post on February 20, 1982, Chairman Zeferetti took exception to that newspaper's handling of an article by George L. Farnham, national director of the National Organization for the Reform of Marijuana Laws (NORML). The Farnham article, prominently displayed in the Outlook section of February 7, argued for legalizing and taxing marihuana in order to reduce the Federal deficit by some $10 billion to $16 billion. Mr. Zeferetti felt The Post's headline for the article ("The Budget-Balancing High") and humorous accompanying artwork indicated an unjustifiably light-hearted treatment of a serious subject.

The Chairman also disputed the substance of the Farnham message. "Such a fiscal coup (from taxing legal marihuana) could be realized only at the dreadful cost of encouraging wider and more foolhardy use of the drug and compounding the human damage that is just starting to be assessed in a systematic way;" Mr. Zeferetti wrote. The Government, he added, should instead intensify its efforts to confiscate the billions in illegal profits that flow from illegal drug trafficking.

2. *The NAS Analysis of Marihuana Policy.*—Chairman Zeferetti last July challenged a recommendation by a panel of the National Academy of Sciences that certain marihuana penalties be eliminated. And he disputed the contention in the same report, issued by a committee of the National Research Council, that partial decriminalization of marihuana in some States had produced favorable results. "Our own committee's findings have been the opposite," Mr. Zeferetti said in a news release.

Citing the growing body of evidence that marihuana endangers the health of users, especially young people, the Chairman said:

"It would be unconscionable for Government now to encourage more young people to become marihuana users, and perhaps move on to even more damaging drug abuse. We should be urging them, through our laws and through drug abuse prevention and educational activities, to avoid the drug culture entirely."

3. *Decriminalization in Oregon.*—A letter by Chairman Zeferetti to Oregon's Joint Interim Committee on the Judiciary was credited with helping to kill a proposal for further decriminalization of marihuana possession in that State. The executive director of a leading anti-marihuana group, campaigning against more liberal drug laws in Oregon, said the Zeferetti views, entered in the official record, "greatly helped us win."

The Chairman detailed for the Oregon legislative panel a series of developments in scientific thinking about the potential health effects of marihuana use and the role of liberalized marihuana laws in worsening the problems created by the drug, including the undermining of strictures against other dangerous, controlled substances. "If the marihuana laws in Oregon are to be changed, they should be strengthened, not weakened," Chairman Zeferetti wrote.

b. "Health questions about marihuana"

Two years ago the committee reprinted, with the permission of the journal Patient Care, a valuable article entitled, "Answering Questions About Marijuana," based on information provided by a group of doctors with experience in the field. Requests received by the committee for copies of the article continued until the supply (originally 5,000) was almost exhausted.

In October of 1982 the committee arranged for another printing of the same article, together with another valuable contribution to recent literature on marihuana risks, "Marihuana: Its Health Hazards and Therapeutic Potentials," from JAMA, the Journal of the American Medical Association. The AMA gave permission for the reprinting of that article by its prestigious Council on Scientific Affairs. The expanded committee pamphlet bears the general title, "Health Questions About Marihuana."

The two articles add up to a disquieting account of the physical and mental dangers marihuana users incur.

c. Advice on marihuana booklet

In June 1982 the Select Committee staff was contacted by the Channing L. Bete Company, Inc., of South Deerfield, Massachusetts, and asked to review and comment upon their forthcoming scriptographic booklet, "What You Should Know About Marijuana." Scriptography is a communications method that attempts to get a message across by the use of key words and phrases and simple, meaningful illustrations. The purpose of the Channing Bete marihuana booklet is to help increase public awareness of the potential health risks associated with marihuana use by providing information about the drug and its harmful effects.

The committee staff checked the booklet for technical accuracy, omissions and emphasis, and offered several suggestions to Channing Bete. As a result of the committee's comments, Channing Bete made several revisions in the final booklet published in October.

3. Support for New York State study on drug abuse and alcoholism

In 1981, several members of the Select Committee, including Chairman Zeferetti, Mr. Rangel, Mr. Scheuer and Mr. Biaggi, testified before Joseph A. Califano, Jr., former Secretary of the Department of Health, Education and Welfare, who was appointed by New York State Governor Hugh L. Carey to prepare a special report on drug abuse and alcoholism. During the past year, Select Committee staff continued to provide assistance and committee materials to Mr. Califano's staff. His study, "The 1982 Report on Drug Abuse and Alcoholism" published in June, supported several recommendations of the Select Committee, including changing Federal criminal enterprise statutes (RICO and CCE) to make them more effective against narcotics traffickers, adding more resources for Federal and local law enforcement, and strengthening prevention and early intervention programs.

4. Support for alkyl nitrite petitions

Earlier this year, Dr. Ronald Wood, a University of Rochester toxicologist, sought Chairman Zeferetti's support for a petition he had filed with the Environmental Protection Agency (EPA). His petition, filed pursuant to the Toxic Substances Control Act, requested EPA to ban the use of alkyl nitrites in consumer products.

Alkyl nitrites are volatile chemical compounds used in products marketed legally for ostensible use as "liquid incense" or "room deodorizers" but sold for the euphoric or intoxicating effects they produce when inhaled. Apparently, alkyl nitrites are not used in any other consumer products. Dr. Wood petitioned EPA because these toxic compounds, sold under names such as "Locker Room" and "Rush", are widely abused by school-age children.

After careful review of Dr. Wood's petition, Chairman Zeferetti wrote to EPA Administrator Gorsuch urging the agency to consider thoroughly the issues raised. His letter emphasized the potential health harms from abuse of alkyl nitrites. He also expressed concern that the open, over-the-counter sale of these products, like the sale of drug paraphernalia, glamorizes and legitimizes substance abuse as a form of recreation and encourages young people to become involved in substance-abusing behavior.

EPA denied the petition in June, citing the Consumer Product Safety Commission's (CPSC) jurisdiction over the matter. Subsequently, Dr. Wood filed a petition with CPSC, with a similar request that the Commission ban alkyl nitrites from consumer products. Again, the Chairman has supported Dr. Wood's petition in a letter to the Commission. The petition is still pending before the CPSC.

5. National Federation of Parents Conference

The Chief Counsel, on October 12, 1982, briefed the National Federation of Parents for Drug Free Youth on activities of the committee, at the Federation's first national conference held in Washington, D.C. Packets containing committee publications and short summaries of recently passed and pending drug-related legislation were given to the almost 500 members who attended. The packets also included a comparison of funding levels, for fiscal years 1981, 1982 and 1983, for departments and agencies engaged in fighting drug abuse and drug trafficking.

The conference provided an excellent opportunity to hold discussions with smaller groups of parents and drug professionals. The Federation has become a significant and highly influential national force in the drug prevention crusade.

6. Continuing dialogue with Metropolitan Washington, D.C., Council of Governments

The Select Committee has continued the dialogue started in 1981 with law enforcement officials involved in narcotic duties in the Washington, D.C., area. A staff member was assigned to attend all monthly meetings held under the auspices of the Narcotic Officers Subcommittee of the Metropolitan Washington Council of Governments. The committee was also represented at the group's annual narcotics enforcement seminar held this year in Ocean City, Maryland.

The committee, because of this close liaison, has a better understanding of the problems of local drug law enforcement. The law enforcement agencies in turn have benefited from the exchange of ideas and knowledge with experienced staff members.

III. Appendixes

A. Select Committee Funding: 1976–82

Year	Requested	Authorized	Expended
1976	$111, 667	[1] $111, 667	$81, 438. 48
1977	722, 204	[2] 722, 204	508, 992. 43
1978	793, 500	[3] 722, 204	637, 280. 90
1979	815, 000	[4] 700, 000	535, 030. 66
1980	762, 000	[5] 600, 000	557, 712. 69
1981	551, 173	[6] 540, 000	522, 355. 78
1982	540, 000	[7] 540, 000	[8] 490, 000. 00

[1] Pursuant to H. Res. 1472.
[2] Pursuant to H. Res. 269.
[3] Pursuant to H. Res. 1004.
[4] Pursuant to H. Res. 174.
[5] Pursuant to H. Res. 572.
[6] Pursuant to H. Res. 115.
[7] Pursuant to H. Res. 378.
[8] Estimate based on expenditures of $446,074.05 through Nov. 30, 1982.

B. Hearings and Publications: 1976–82

1. HEARINGS

From 1976 through 1982, the Select Committee on Narcotics Abuse and Control has conducted 110 hearings on a broad range of topics. A complete list of the committee's hearings follows:

1976—94th Congress, 2d Session

Oversight Hearings on Narcotics Abuse and Current Federal and International Narcotics Control Efforts (Washington, D.C.):
- September 21—Attorney General and the Federal Bureau of Investigation.
- September 22—Internal Revenue Service.
- September 23—Drug Enforcement Administration.
- September 27—Department of State.
- September 28—U.S. Customs Service.
- September 29—Central Intelligence Agency.
- September 30—Department of Health, Education, and Welfare.

New York City Narcotics Law Enforcement, November 19 (New York, N.Y.), December 10 (Washington, D.C.).

1977—95th Congress, 1st Session

Decriminalization of Marihuana, March 14, 15, 16 (Washington, D.C.).

Review of Law Enforcement Assistance Administration, Narcotics Funding, June 8 (Washington, D.C.).

Southeast Asian Narcotics, July 12, 13 (Washington, D.C.).

Chicago Heroin Trafficking and the Laundering of Narcotics Proceeds, September 30, October 1 (Chicago, Ill.).

Oversight Hearings on Federal Drug Abuse Efforts:
- September 23—Federal Strategy (Washington, D.C.).
- October 6—Narcotics Research and the National Institute on Drug Abuse (Washington, D.C.).
- October 12—Domestic Law Enforcement (Washington, D.C.).
- November 15—International Narcotics Control and Compliance (New York, N.Y.).
- November 16—Border Management (New York, N.Y.).

1978—95th Congress, 2d Session

Organized Crime Involvement in South Florida Drug Smuggling, March 7, 8, 10, 20, 22 (Washington, D.C., Executive Session).

Prevention of Drug Abuse (Washington, D.C.):
- April 18—Federal Policy on Prevention.
- April 20—Drug Abuse and the Media.
- April 25—Research.
- May 16—School Programs.
- May 25—School and City Drug Abuse Prevention Efforts.

Drug Abuse Treatment (Washington, D.C.):
- April 19—Methadone Diversion.
- May 5—Methadone Diversion (New York, N.Y.).
- June 14—Federal Treatment Policy.
- June 14—Integrated Service Delivery.
- June 15—National Institute on Drug Abuse and the Alcohol, Drug Abuse and Mental Health Administration.
- June 15—Drug Abuse and Misuse by the Elderly.
- June 21—Ethnic Minorities in Drug Abuse Treatment.
- June 22—International Demand Reduction.
- July 25—Drug Abuse Programs in the Veterans Administration.
- July 25—Drug Abuse Programs in the Bureau of Prisons.
- July 26—Women and Substance Abuse.

Drug Abuse in the Military (Washington, D.C.):
- April 27—Policy Overview.
- May 24—Army.
- June 2—Air Force.
- June 16—Navy/Marine Corps.
- July 27—Department of Defense 12-Point Plan.

Cocaine and Marihuana Trafficking in the Southeastern United States, June 9, 10 (Hollywood, Fla.).

Drug Trafficking In and Through Hawaii and Guam, June 30, July 1 (Hawaii), July 4, 5 (Guam).

Abuse of Dangerous Licit and Illicit Drugs: Psychotropics, Phencyclidine (PCP) and Talwin (Washington, D.C.):
- August 8—Phencyclidine (PCP).
- August 10—Advertising, Detailing and Medical Prescribing in the Psychotropic Drug Industry.
- September 19—Prescribing of Psychotropic Drugs—American Medical Association.
- October 6—Talwin (Chicago, Ill.).

Drug Abuse in the New York City Schools, August 30, 31, September 1 (New York, N.Y.).

Use of International Cargo for Narcotics Smuggling, October 24 (John F. Kennedy International Airport, New York, N.Y.).

Drug Abuse Among U.S. Armed Forces in the Federal Republic of Germany and West Berlin, November 20, 22 (Federal Republic of Germany).

1979—96th Congress, 1st Session

The Scope of Drug Abuse in Puerto Rico: Supply and Demand Reduction, April 19, 20, 21 (Puerto Rico).

Oversight Hearings on the Federal Drug Strategy for 1979 (Washington, D.C.):

May 31—Federal Strategy for Prevention.
June 7—Federal Drug Treatment and Rehabilitation.
June 12—Federal Strategy for Prevention (continued).
June 14—Domestic Law Enforcement.
June 21—Foreign Narcotics Control.
July 10—Principals Group.

Health Implications of Paraquat-Contaminated Marihuana, June 28 (Washington, D.C.).

Health Consequences of Marihuana Abuse: Recent Findings, July 17, 19 (Washington, D.C.).

Cocaine: A Major Drug Issue of the Seventies (Washington, D.C.):

July 24, 26—Federal Policies and Health Consequences.
October 10—Cocaine's Cost to Society.

Dispensing of Controlled Substances, July 30 (Chicago, Ill.).

Women's Dependency on Prescription Drugs, September 13 (Washington, D.C.).

Diversion of Licit Drugs to Illicit Markets, October 31 (Washington, D.C.).

Drug Paraphernalia: Legal Implications and the Impact on Drug Abuse, November 1 (Washington, D.C.).

Drug Abuse in the Armed Forces of the United States: Oversight Update, November 7 (Washington, D.C.).

Interdiction of Drug Trafficking in Louisiana, November 19, 20 (New Orleans, La.).

Is Paraquat-Sprayed Marihuana Harmful or Not?, November 29 (Washington, D.C.).

1980—96th Congress, 2d Session

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[1] Reprinted from May 30, 1980, issue of Patient Care.
[2] In Progress at the Government Printing Office.
[3] Includes the articles, "Answering Questions About Marihuana Use," reprinted from May 30, 1980, issue of Patient Care, and "Marihuana: Its Health Hazards and Therapeutic Potentials," reprinted from October 16, 1981, issue of JAMA, Journal of the American Medical Association.

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